

**TOWNSHIP  
OF  
ST. CLAIR  
OFFICIAL  
PLAN**



Prepared by Lambton County  
Planning & Development Department

**Redline Version of Amendments Proposed  
Under OPA 28**

## **NOTE TO READER:**

This version of the St. Clair Official Plan is a “Redline” Version showing proposed changes through the 2023 Five Year Review of the Official Plan – Official Plan Amendment No. 28 (OPA 28).

Changes are identified as follows:

~~Red strikethrough (deleted text)~~

Blue underlined (added text)

~~Green Strikethrough (moved text — where deleted from)~~

Green underlined (moved text – where added to)

**In the case of differences between this redline version and OPA No. 28, the text of OPA No. 28 prevails.**

## **TOWNSHIP OF ST. CLAIR OFFICIAL PLAN**

The Township of St. Clair is an amalgamated municipality comprised of the former Townships of Moore and Sombra. The Township of St. Clair came into existence on January 1, 2001. The Township of St. Clair Official Plan was produced under the guidance of the Moore/Sombra Transition Committee, which was established by the Amalgamation Order and which was composed of all members of Moore and Sombra Councils.

~~The statutory Public Meeting under the Planning Act was a joint meeting of both Councils and was held on October 19, 2000. The Council of the Township of Sombra adopted that portion of the Official Plan of the Township of St. Clair that applied to the Township of Sombra by By-law 20 of 2000 on November 6, 2000. The Council of the Township of Moore adopted that portion of the Official Plan of the Township of St. Clair that applied to the Township of Moore by By-law 65 of 2000 on November 28, 2000. Both municipalities forwarded their adopting By-laws to the Director of Planning for the County of Lambton for Approval. The County Director of Planning Approved the St. Clair Official Plan, with five modifications on December 12, 2000. The Township of St. Clair Official Plan, as modified, came into effect on January 3, 2001. The Township of St. Clair Official Plan is deemed to conform to the County of Lambton Official Plan. The modifications have been included in this consolidation. This Official Plan replaces the Official Plan of the Township of Moore, the Official Plan of the Township of Sombra and the County of Lambton General Local Official Plan as it applies to the Township of St. Clair.~~

~~The General Local Official Plan of the County of Lambton was approved, with modifications, by the Ministry of Municipal Affairs and Housing on February 24, 1998, as Amendment No. 1 to the County of Lambton Official Plan. It came into effect on March 17, 1998. The General Local Official Plan is deemed to conform to the County of Lambton Official Plan and to have had regard to the Provincial Policy Statement. This Plan provided that the County of Lambton General Local Official Plan would become the Official Plan of all municipalities in Lambton County, if a local municipality had not replaced the General Local Official Plan with its own Official Plan within two years of the approval of the General Local Official Plan. On March 17, 2000, the County of Lambton General Local Official Plan became the Official Plan of the Township of Moore and the Township of Sombra, although most land use decisions remained based on the municipal official plans, until they were replaced by the St. Clair Official Plan.~~

The Official Plan of the Township of St. Clair is basically the County of Lambton General Local Official plan with additions and deletions to make adjustments to local circumstances. Detailed Schedules were also produced. The additions, deletions and the Schedules were based on the former Official Plans of the Townships of Moore and Sombra. Where the policies from the former Plans were not the same, common policies for the new municipality were developed, through the guidance of the Transition Board.

The Official Plan of the Township of St. Clair is the key planning document that outlines Township policies for land use, environmental, social and economic matters. This Official Plan will guide the standards which will be set out in the implementing zoning by-law for the Township of St. Clair and all Council decisions under the Planning Act and all public works must conform to the Official Plan.

This consolidation of the Official Plan of the Township of St. Clair has been prepared by the Lambton County Planning and Development Department.

# TOWNSHIP OF ST. CLAIR OFFICIAL PLAN

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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 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 Township of St. Clair.

The purpose of these policies is:

- to provide a planning policy framework for decision-making by the Township of St. Clair 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 Township of St. Clair; and
- to provide a local context for the application of Provincial and County planning policies.
- [to build strong, liveable and healthy communities that are resilient to climate change.](#)

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

### 2 EFFECT OF THE PLAN

~~After this Official Plan is adopted and finalized,~~ Public work shall be undertaken with regard to this Plan pursuant to Section 24 of the Planning Act SO 1996 and 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, more detailed policies 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 stimulate economic growth and protect the natural environment and public health.

## **5 ORGANIZATION OF THE PLAN**

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 describe the land use designations that apply across the Township. 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 Township's goals for the human, built, economic and natural environments.

Part E: This part explains how the Township 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 Township and the settlement areas of Corunna, Brigden, Mooretown, Courtright, Port Lambton, Chenal Ecarte, Stag Island, Sombra, Fawn Island, Wilkesport. 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 Township.

## **6 PLANNING FOR GROWTH**

The Township of St. Clair is planning for growth on the following basis as identified in the County of Lambton Official Plan:

a) To 2031:

Projected Population: 2,536 to 13,876

Projected Annual Dwelling Units: 55

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 Municipality as part of the preparation of the County of Lambton Official Plan approved in 2018;
- ii) The County of Lambton will prepare an updated projection of population growth and housing growth prior to 2031 as part of a planned update to the County Official Plan;
- iii) The Township of St. Clair Official Plan will be updated to include projected population and dwelling units upon the conclusion of the update by the County of Lambton.

## **7 A ROLE FOR PROCESS: DEVELOPMENT APPLICATIONS**

The role of the Official Plan is to provide general guidance for development that applies on a Municipality wide basis related to land use including designations and permissions. The policies of this Plan also provide guidance to inform development applications and all planning processes. The specific role for development applications like Official Plan Amendments, Zoning By-law Amendments and minor variance applications acknowledge that Municipality 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 to ensure the outcome of a development application addresses the public interest.

## **8 GROWTH BEYOND 2031 IN ST. CLAIR TOWNSHIP**

St. Clair Township is experiencing increased growth, particularly for residential development and new housing. The Township is committed to an expedited process, working with the County of Lambton, to establish growth beyond 2031. Recognizing that the County of Lambton must establish new forecasts and settlement areas, the Township has identified potential areas for new residential growth as shown on Appendix D. Upon completion of the County of Lambton Municipal Comprehensive Review, the Township will update its Official Plan. Appendix D is not a commitment for all lands shown to be in the settlement area but rather recognizes the areas Council will consider for growth.

## PART B

### LAND USE POLICIES

SECTION 1	Agricultural
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SECTION 13	Type Three Industrial
SECTION 14	Institutional
SECTION 15	Open Space
SECTION 16	Natural Heritage (Environmental Protection and Hazard)

## 1 AGRICULTURAL

### main permitted uses

#### 1.1 In the “Agricultural” designation the main permitted uses of land are agricultural uses.

Agricultural uses include the growing of crops, including nursery, [biomass](#) and horticultural crops; raising of livestock and other animals for food, ~~or~~ fur, [or fibre](#), including poultry and fish; aquaculture; [apiaries](#); agro-forestry; maple syrup production; and associated on-farm buildings and structures including ~~accessory farm dwellings~~ [but not limited to accessory farm dwellings, livestock facilities, manure storages, crop storage facilities, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.](#)

### other permitted uses

#### 1.2 Other uses permitted will include:

- a) ~~Uses that are secondary to the principal agricultural use of the property, including home occupations, home industries, bed and breakfast establishments, farm produce outlets, and uses that produce value-added agricultural products from the farm operation on the property;~~ [On-farm diversified uses that are secondary to the principal agricultural use of the property and are limited in area. Such uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.](#)
- b) ~~Farm-related commercial and farm-related industrial uses that are small-scaled and directly related to the farm operation and are required in close proximity to the farm operation;~~ [Agriculture-related uses that are farm-related commercial and farm-related industrial uses directly related to farm operations in the area, that support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.](#)
- c) ~~Cemeteries and crematoria;~~
- d) Fish and game farms;
- e) Forestry;
- f) Petroleum resources exploration and extraction facilities;

- g) Conservation uses; and
- i) Limited residential uses.
- j) Parks and recreation uses in accordance with the following:
  - i. there is justification provided for the use;
  - ii. the proposed location is suitable for the use and there are no reasonable alternative locations available that would be more appropriate;
  - iii. Class 1 to 3 soils are avoided, where possible;
  - iv. where it is necessary to use Class 1 to 3 soils, the least productive agricultural lands should be used;
  - v. the use will have a minimal negative impact on farming activities and will be subject to the natural heritage policies of this plan;
  - vi. an adequate potable water supply and sewage disposal system can be provided; and
  - vii. the lands are designated in the official plan and zoned for the proposed use.
- k) Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.
- l) a small-scaled industrial/commercial use including a dwelling used in conjunction with the business on lands described as Part Lot 27, Concession 5, geographic Township of Moore, Township of St. Clair and shown on Schedule A to Official Plan Amendment No. 1. (OPA #1)

agricultural uses

- 1.3 Agricultural uses will be given the highest priority in the “Agricultural” designation. ~~Non-agricultural uses will generally be discouraged in the agricultural area and will be directed to appropriate settlement areas to preserve agricultural land and to avoid conflicts between farm and non-farm land uses.~~ Land uses that do not require a location in the Agricultural Area and most non-farm development will be directed to Urban Centres, Urban Settlements, or Secondary Settlements in order to preserve agricultural land and to avoid conflicts between farm and non-farm uses.

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Recreational, cultural, and open space uses are discouraged in the Agricultural Area, but may be permitted through site-specific official plan amendments as "agricultural exceptions", provided it is demonstrated that all of the following criteria are met:

- a) there is an identified need or demand for additional land to be designated within the planning horizon to accommodate the proposed use;
- b) the proposed location is not in a specialty crop area;
- c) alternative locations have been evaluated and:
  - i. there are no reasonable alternative locations which avoid prime agricultural areas
  - ii. there are no reasonable alternative locations with lower priority agricultural lands;
- d) the use will have a minimal negative impact on farming activities and will be subject to the natural heritage policies of this Plan;
- e) the proposed use complies with the minimum distance separation formulae;
- f) an adequate potable water supply and sewage treatment and disposal system can be provided;
- g) the lands are designated in this Plan and the zoning by-law as a site-specific "agricultural exception" specific to the proposed use;
- h) the lands remain part of the Agricultural Area designation and the long-term intended use of the lands remains agricultural;

lot size

- 1.4 The minimum lot size for agricultural uses will generally be ~~40~~ 30 hectares in order to discourage the unwarranted fragmentation of farmland. Leasing of land should also be considered as an alternative to creating small farm parcels. This Plan supports the provision of agricultural land parcels of sufficient size for long-term agricultural use recognizing the need to maintain maximum flexibility for farm operators to engage in differing types and sizes of agricultural operation.

Existing parcels of insufficient size for agricultural use will be encouraged to amalgamate with adjoining farmlands where possible.

**right to farm concept**

- 1.5** In the “Agricultural” designation, agriculture is the primary long-term land use. Other uses, particularly non-farm residential, are attracted to the rural area by lower land prices, and by the image of quiet, peaceful open space. Normal farm practices create odours, noise and dust, [light, vibration, smoke, and flies](#) associated with livestock, and heavy machinery, and involve early morning and late evening activities especially during planting and harvesting periods.

The main purpose of the “Agricultural” designation is to provide a secure land base for agricultural activities. The Township of St. Clair supports the ‘Right-to-Farm’ concept, and when applying the policies of this Plan, agricultural uses will be given priority over all others in the “Agricultural” designation.

**minimum distance separation**

- 1.6**
- a) New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the Minimum Distance Separation formulae. [MDS I shall be applied to development on all existing lots of record, although exceptions respecting the alteration or replacement of existing non-farm uses may be permitted, subject to a minor variance.](#)
  - b) [more restrictive setbacks on non-farm uses than the provincial MDS I calculation may be required.](#)
  - c) [the calculated MDS II distances shall not be modified except by minor variance.](#)

**nutrient management**

- 1.7** No person shall erect, alter or expand any livestock facility or manure storage facility within the agricultural designation except in conformity with the ~~County of Lambton Nutrient Management By-law~~ [Nutrient Management Act](#).



**agricultural practices**

**1.8** The Township of St. Clair will encourage landowners to employ farm management practices that are sensitive to the natural environment, including the following:

- a) cultivation methods aimed at minimizing erosion, such as 'no-till' cultivation;
- b) re-establishment of natural features;
- c) planting of stabilizing vegetation on creek flats and slopes to minimize erosion and run-off;
- d) proper construction of drainage tile outlets to minimize erosion along water courses;
- e) restricting livestock access to watercourses;
- f) appropriate application of fertilizers and herbicides to minimize chemical run-off;
- g) proper storage, handling and disposal of hazardous and non-hazardous pollutants; and
- h) maintaining a buffer strip along watercourses, ditches and open drains.

**new farm lots**

**1.9** The creation of new farm lots will be permitted where:

- a) the severed and retained lots are of sufficient size for agricultural use, including adequate land for manure utilization from livestock on the property;
- b) the severed and retained lots are of a nature and size, and have soil and drainage characteristics that are suitable to support an efficient farm unit and to provide meaningful on-site farm employment;
- c) the size of the severed and retained lots conforms to the requirements of the Zoning By-law;
- d) despite the aforementioned lot area requirement, land may be severed from a farm parcel for lot addition purposes provided that the retained lot is a minimum of ~~40~~ 30 hectares and the severed land is added to an abutting agricultural land holding; and
- e) land can be severed for agricultural purposes from a non-agricultural lot provided that the severed land is added to an abutting agricultural lot. The

retained non-agricultural lot must meet the minimum lot size required for water supply and sewage disposal.

~~secondary uses~~ On-Farm Diversified Uses

- 1.10 ~~On-farm economic diversification will be encouraged as a means of contributing to the economy of the "Agricultural" designation. On-farm diversified uses will be strongly encouraged in order to provide farmers greater opportunity to obtain additional sources of income and to promote entrepreneurship, innovation, and business incubation.~~

Such uses will be subject to the following policies:

- a) ~~the use must be clearly secondary to the principle agricultural use of the lot; the activity is limited in area and secondary to the main farm operation or residence~~
- b) the uses may include home occupations, home industries, bed and breakfast, and uses that produce value-added agricultural products from the farm operation on the property;
- c) any buildings or structures associated with such uses should be of a design and style that will allow for ease of conversion to an agricultural use if the secondary use should cease;
- d) appropriate development standards must be contained in the Zoning By-law regarding the maximum floor area for such uses, signage, access, parking, outside storage, ~~etc.~~ separations from sensitive uses, and other appropriate restrictions;
- e) ~~site plan approval and site plan agreements may be required~~ as a minimum, site plan approval and site plan agreements will be required where the general public may be permitted on site; and
- f) the severance of ~~secondary uses~~ on-farm diversified uses from the farm lot will not be permitted.
- g) in rural areas, greater separations and the ability to provide buffers generally exist and certain home occupations that would not be appropriate in residential areas may be permitted;
- h) uses that have more substantial objectionable features may be restricted where adequate separation and/or buffering requirements cannot be met from sensitive uses.
- i) uses that have highly objectionable features by reason of noise, smoke, dust, fumes or other emissions, the hours of operation, outdoor activities or storage of

equipment or materials or have potential to lead to serious site contamination will not be permitted as home industries.

j) the rural character and the long-term agricultural viability of the site and area is protected;

k) the use will be compatible with and not hinder surrounding agricultural operations;

l) Adaptive re-use of surplus farm facilities on existing farms for on-farm diversified uses, and agri-tourism uses at a scale that is appropriate to the farm operation will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.

**agricultural related uses**

**1.11** Agricultural related commercial and industrial uses necessary in the “Agricultural” designation and compatible with agricultural activity are permitted. Examples of such uses include, but are not limited to, farm produce markets, grain dryers, feed mills, grain and seed storage facilities, agricultural products and produce processing facilities, bulk farm supply dealers, farm machinery sales and service, and livestock assembly points.

Such uses will be subject to the following policies:

a) the use is directly related to the agricultural industry and requires a location in close proximity to agricultural activities;

b) the need and demand for the use at the location proposed can be demonstrated to the satisfaction of the Township of St. Clair;

c) ~~the use is located on the least productive agricultural land, where possible;~~ the use is not located in a specialty crop area. Otherwise, the use is to be located on the least productive agricultural land, where possible;

d) the use is located on a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses;

e) the requirements of the Province, the County, the Health Unit and the Township of St. Clair (or its designated agent) regarding water supply and sewage disposal can be met;

f) a site specific Zoning By-law amendment is obtained specifically permitting the agriculture-related use;

g) the use is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding ~~agriculture activities~~ agricultural operations;

- h) the use does not negatively affect ~~environmental features~~ impact the Natural Heritage System; ~~and~~
- i) the use will be compatible with existing development in the area. Severances for agricultural-related commercial and industrial uses may be considered where the lot is being severed from an agricultural lot that is ~~40~~ 30 hectares in size. Despite this lot area requirement, the lot may be severed from an agricultural lot that is less than ~~40~~ 30 hectares provided that the agricultural land is added to an abutting agricultural lot; and.
- j) Site plan approval and site plan agreements may be required.

1.11.1 Small-Scaled Industrial/Commercial Uses in the Agricultural Designation of Part Lot 27, Concession 5, geographic Township of Moore, Township of St. Clair.

The small-scaled Industrial/Commercial Use shall be defined as “those industrial and commercial uses which exceed the provisions of a Home Occupation or Home Industry, but do not exceed the following:

- a) employ no more than the equivalent of five full time employees in addition to the owner or his family;
- b) occupies a structure not exceeding 300 square metres in area;
- c) is recognized through an appropriate zoning by-law amendment, and;
- d) outdoor storage and display is limited to an area not greater than 750 square metres.

The use may include a dwelling as part of the operation on the property.

Any buildings or structures associated with the small scaled industrial/commercial uses should be of a design and style that will allow for ease of conversion to an agricultural use if the operation should cease to exist.

Appropriate development standards must be contained in the Zoning By-law Amendment regarding the maximum floor area, access, parking, outside storage, etc.

Site Plan Approval is required.

The severance of the industrial/commercial or residential use from the other agricultural lands will not be permitted. (OPA # 1)

**residential uses**

**1.12** Residential uses permitted are as follows:

- a) New single detached dwellings accessory to agriculture;
- b) Existing single-detached non-farm dwellings;
- c) New single-detached non-farm dwellings, constructed on vacant lots existing on the date of adoption of this Plan, and held in distinct and separate ownership from abutting lands, subject to the following conditions:
  - i) the lot is suitable for residential construction;
  - ii) the lot meets the requirements of the Province, the County, the Health Unit and the Township of St. Clair regarding water supply and sewage disposal;
  - iii) the lot is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agriculture activities;
  - iv) direct access is available from an improved year round public road and the access does not result in traffic hazards due to poor sight lines or proximity to an intersection; and
  - v) where access is available to a public road across an abandoned railway line it shall be accepted as access to an improved public road.
- d) ~~A severance to create a new non-farm lot may be permitted to dispose of a surplus farm residence, or for infilling purposes, subject to a site specific Zoning By-law amendment, provided Council is satisfied that the lot to be created and the proposed retained farm lot complies with the following policies:~~
  - ~~i) the surplus farm residence is one of two or more existing habitable farm residences built prior to 1978 and surplus to the farm; or, an existing farm residence that is rendered surplus as a result of farm consolidation, meaning the acquisition of additional farm parcels to be operated as one farm operation;~~
  - ~~ii) infilling will be limited to the creation of one residential lot between two existing non-farm residences which are on separate lots of a similar size and which are situated on the same side of the road and are not more than 100 metres apart;~~
  - ~~iii) only one non-farm single-detached residential lot will be permitted to be severed from an original farm lot;~~

- ~~iv) the proposed non-farm single-detached dwelling lot meets the requirements of the Province, the County, the Health Unit and the Township of St. Clair regarding water supply and sewage disposal;~~
- ~~v) the proposed non-farm single-detached dwelling is located in compliance with the Minimum Distance Separation formulae; and~~
- ~~vi) the proposed non-farm single-detached dwelling lot has direct access to an improved year-round public road and the access does not result in traffic hazards due to poor sight lines or proximity to an intersection.~~
- d) Where a habitable dwelling existed prior to the adoption of this Plan, a consent to sever a lot containing the dwelling may be granted if that residence becomes surplus to a farming operation as a result of a farm consolidation provided that:
  - i. The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;
  - ii. The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary by the appropriate authority to support a well and private sewage disposal system;
  - iii. The farms are both located within the Township;
  - iv. The new lot is located to minimize the impact on the remaining farm operation; and
  - v. The new lot complies with the MDS Formula.
- ~~e) Second Dwelling Units may be considered in accordance with the policies of B.2.2.21. (OPA #17)~~
- e) The creation of an additional residential unit within an existing single detached dwelling, in an existing accessory farm building, or a new building in the existing farm cluster of buildings shall be subject to the following requirements:
  - i. The size and configuration are sufficient to accommodate adequate parking and open spaces;
  - ii. The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;
  - iii. Additional residential units shall be permitted in compliance with all relevant Zoning By-law provisions;

- iv. Additional residential units, while permitted in basements, are not to be permitted in the cellar area of a dwelling;
- v. The availability and adequacy of sewer and water services to accommodate the increased density;
- vi. There is sustainable private sewage disposal and water available for the additional residential unit(s).

Permitted residential uses may include accessory uses, including home occupations and bed and breakfast establishments.

**non-farm lot size**

- ~~1.13 New non-farm lots will be limited in size so that a minimum of land is taken out of agriculture uses, and will be located on the least productive land where possible. The lot size and shape will be consistent with expected current and future needs with respect to water supply and sewage disposal.~~

**agricultural industry and rural character**

- 1.14** The maintenance of the agricultural industry in the “Agricultural” designation and the preservation of the rural characteristics of the area will be encouraged.

**transportation and utility corridors**

- 1.15** Where a new transportation or utility corridor crosses a farm operation, the transportation authority or utility will be encouraged to select a route which causes the least disruption to farm operations and productivity where such routing is practical and environmentally acceptable. One option to be considered is the routing of such facilities along the edge of the farm.

Wherever possible 'easements' should be used to accommodate new utility corridors rather than create separate and distinct lots.

**woodlots**

- 1.16** It is the policy of the Township of St. Clair that development (including buildings, structures, and manure facilities such as an earthen manure pit) in wooded parts of the "Agricultural" designation, including all ~~major woodlots~~ significant woodlands, be discouraged. ~~Land severances for non-farm related uses and~~ Amendments to the Zoning By-law to permit non-farm uses will generally not be allowed.

This Plan recognizes the importance of trees to agriculture due to their wind protection and moisture holding capabilities. Existing woodlots will be protected in accordance with the most current Lambton County Tree Protection By-law that regulates the cutting of certain trees and woodlots. In accordance with the natural heritage policies of this Plan, new development in significant woodlands will generally not be allowed.

This Plan encourages reforestation and conservation of woodlots.

**petroleum related facilities**

- 1.17** The development and use of buildings and structures required to house pumping equipment and storage facilities for pumped material, related to the petroleum industry, awaiting shipment to other locations for storage, refining or processing may be permitted. Compressor and regulator stations associated with natural gas pipelines and underground natural gas storage will also be permitted.

Additional buildings or structures, or the placing of machinery used to refine, blend, or otherwise process petrochemicals is not permitted. New development will not normally be permitted within 75 metres of active petroleum resource operations.

Consents may be granted for the purposes of long-term lease agreements for petroleum works. Consents however, will not be granted that result in the creation of additional separate and distinct lots.



general rural consent policies

**1.18** Land severances in the “Agricultural” designation may be permitted for the following:

- a) to create rights-of-way or easements;
- b) to enlarge lots provided it does not result in the creation of an undersized farm parcel;
- c) to consolidate farm holdings; and
- d) to allow minor lot line adjustments having regard to County Official Plan Section. 4.2.2 and including but not limited to minor boundary adjustments to increase the size of a non-farm lot where necessary to accommodate private services. Lot boundary adjustments for undersized residential lots shall not result in lot sizes greater than 0.8 ha except where necessitated by the requirements or reasonable use criteria of the Province, County, Health Unit and Municipality regarding water supply and sewage disposal.
- e) for infrastructure in compliance with the policies of this Plan;
- f) to create farm parcels that, in order to discourage the unwarranted fragmentation of farmland, are not less than 30 hectares in the Township.

A different minimum farm parcel size may be considered through an amendment to this Plan and the County of Lambton Official Plan provided that a study is carried out by the proponent with the guidance and assistance of the Province, to demonstrate that the different farm parcel size is appropriate for the type of agricultural uses common in the local area, yet is sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations.

- g) to sever a surplus farm dwelling in accordance with the policies of this Plan.

**1.19** Agri-tourism uses mean farm-related tourism and commercial uses associated with and sited on a functioning farm operation or associated with a value-added business and conforming with Section 6.1.8 of the County of Lambton Official Plan. The Zoning By-law shall be updated to implement these uses.

- a) These uses may include farm markets, restaurants related to a winery, limited bed and breakfast, on-farm tours, roadside produce stands, pick your own facilities, farm mazes, agriculture related special event facilities, agriculture education and research facilities, and uses and practices necessary to support the day-to-day farm operation.
- b) Agri-tourism uses shall only be permitted subject to the following uses:
  - i. are to be secondary and subordinate to the principal farm operation and activities on the property;

- ii. the size of such uses are to be small in scale, and limited and appropriate to the site, surrounding area and the scale of the farm operation;
- iii. agri-tourism uses, with the exception of short-term vacation rentals, shall be subject to site plan control where greater than 93 square metres in gross floor area;
- iv. the display and retail sales of off-farm products shall be permitted, provided that the display and retail sales area is no greater than one-third of total gross floor area devoted to commercial use of an agri-tourism use, to a maximum 93 square metres in size;
- v. short-term vacation rentals shall comply with the policies in Part B Section 3 of this Plan;
- vi. where adequately served by on-site services, including sustainable private services and parking; compatible with surrounding uses; does not cause or generate off-site negative impacts related to infrastructure, noise or traffic, and will not negatively impact the agricultural viability of the subject property, surrounding area, or natural areas, features or functions.

1.20 Value added businesses will be encouraged in the rural areas as a means of diversifying farm income and employment opportunities and increasing the value of produce leaving the farm. The policies applicable to other home occupations shall apply subject to the following:

- a) the business must be based primarily on the processing and/or marketing of commodities or by-products produced by the farming operation itself;
- b) retail sale of products produced on site shall be permitted;
- c) the business may be larger in scale than other home industries in terms of employees, floor area and intensity of activities. Limits shall be outlined in the Zoning By-law;
- d) the business may be visible as a separate component of the agricultural operation and a greater degree of nuisance features will be tolerated than with home occupations that are not directly tied to agricultural use;
- e) a zoning amendment to permit an established value-added business to expand beyond the size limits in the zoning by-law or diversify its activities may be permitted, but severance of a value-added business from the agricultural parcel is prohibited; and
- f) Council may require a site plan agreement as a condition of a building permit.

1.21 Oil, (natural) gas, and salt extraction under agricultural lands shall be conducted so as to minimize disruption to agricultural uses, minimize the amount of land taken out of agricultural production, and prevent contamination of agricultural lands. Rehabilitation of exhausted or abandoned wells and oil fields must be compatible with the surrounding agricultural area and should be rehabilitated to appropriate standards for agricultural use unless specifically rehabilitated for another purpose.

1.22 The Township will promote initiatives to support rural population growth, especially the number of farm families. Supportable methods include, but are not limited to the promotion of:

- a) value-added, on-farm diversified uses and other practices that increase the profitability of agricultural operations,
- b) new livestock facilities and other forms of agriculture that require fewer acres per farm operation, and
- c) greenhouses, nurseries and other forms of agriculture that have potential to support multiple families/employees on a relatively small number of acres.
- d) forms of agriculture that provides more employment on a per acre basis;
- e) identification and exploitation of non-traditional, non-local, and niche markets;
- f) on-farm and local processing and/or retail of agricultural products and by products;
- g) promotion of unique local foods;
- h) stronger linkages between local food producers and major local food distributors and consumers within settlements, including restaurants; agri-tourism; and,
- i) on-farm economic diversification.

## 2 RESIDENTIAL

The policies of this section are intended to apply to lands in settlement areas ~~comprising of an urban or settlement category~~. Residential development will be concentrated in the urban communities of Brigden, Corunna, Courtright, Mooretown, Port Lambton, Sombra Village, and Wilkesport.

### permitted uses

- 2.1 The primary uses permitted in “Residential” designation 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.

### 2.1.1

a) The primary residential uses permitted within the “Residential” designation are low density housing types, not exceeding ~~20~~ 25 units per hectare (~~8~~ 10 units per residential acre), including single and semi-detached dwellings, duplexes, and triplexes, including building conversions to such uses as well as temporary garden suites.

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

- 2.1.2 Other residential uses permitted within the “Residential” designation are as follows:

- a) Medium-density attached dwellings up to a maximum net density of ~~35~~ 40 units per net residential hectare (~~14 units per residential acre~~);
- b) High density multiple family dwellings up to a maximum net density of 100 units per residential hectare (40 units per residential acre);
- c) Special residential uses such as group homes and senior citizens' accommodation.

- 2.1.3 Land uses compatible with dwellings and serving the needs of the local residents will be considered, but not limited to:

- a) Public and institutional uses such as elementary and secondary schools, libraries, municipal buildings, places of religious worship and day-care centres;
- b) Neighbourhood parks and recreation uses;
- c) Convenience commercial uses (subject to rezoning);
- d) Professional Offices, Home Occupations, and Bed & Breakfast Establishments that constitute subordinate uses within dwellings; and
- e) Service Commercial Uses accessory to Special Residential Uses and without limiting the foregoing may include: personal service shops, transportation, community or private club, housekeeping services, therapy services, medical services, and residential care services. (OPA #19)

**2.1.4** Complementary to the range of housing accommodation, the Township of St. Clair will seek to ensure access to a range of services/amenities that are beneficial and/or necessary to the residents.

## **2.2 POLICIES**

**2.2.1** Within the “Residential” designation, the Township of St. Clair 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) Residential intensification in areas of existing development that have sufficient servicing capacity. Techniques may include permitting second units in existing detached dwellings, encouraging the creation of infilling lots, converting existing buildings for residential use, redeveloping sites not previously used for residential purposes, permitting rooming, boarding and lodging houses, and encouraging higher densities in new development.
- d) Relocation of existing incompatible uses out of residential areas and redevelopment of obsolete land uses.
- e) Development to proceed in such a manner so as not to impose a financial burden on the Township of St. Clair or municipal taxpayers.
- f) Compliance with the amenity and design policies.

- g) It is a goal of this Plan that 20% of the new housing units provided in the Township be provided through intensification and redevelopment.

~~2.2.2 Expansion of the residential component of the Township of St. Clair will be considered where water and sewer services, roads and required community facilities can be provided economically and only where required to accommodate future population growth.~~

2.2.3 ~~Infilling in the "Residential" designation will be undertaken by means of planned subdivision development, or where a plan of subdivision is not required, by severance of lands to make the most efficient use of municipal services.~~ Intensification, including infill development and redevelopment, in Residential Areas may be undertaken either by means of a plan of subdivision, plan of condominium, or where neither subdivision nor condominium is appropriate, by consent, provided the means selected is intended to make the most efficient use of municipal services. Creation of four lots or greater should be done by plan of subdivision. 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.

2.2.4 ~~The design of roads in new subdivisions and/or areas subject to severances will be carried out so as to permit development of landlocked parcels in existing developed areas wherever possible. Access roads to such parcels will be dedicated as public rights-of-way.~~ The design of new roads in new subdivisions and/or areas subject to plans of condominium and/or severances will be carried out so as to permit development of landlocked parcels in existing developed areas wherever possible. Access roads to such parcels or condominium units may be dedicated as public roads but may also be considered as private roads where such roads are owned by a condominium corporation(s).

2.2.5 In approving new residential development, the Township of St. Clair ~~will take into consideration an appropriate mix of housing types for low income, medium income and upper tier income households according to substantiated need and demand for the Township of St. Clair as a whole.~~ maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

2.2.6 Housing for senior citizens should be located in proximity to community services and facilities.

2.2.7 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.

**2.2.8** The Township of St. Clair will attempt to maintain a three 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.

**2.2.9** The Township of St. Clair will encourage innovative housing designs particularly those which offer energy efficiency, reduced municipal expenditures or lower costs to purchasers.

phasing

**2.2.10** ~~Residential development will be phased contingent upon the availability of servicing infrastructure.~~ Residential development may be phased, but final approvals shall be subject to the availability of servicing capacity and required infrastructure.

buffering from agricultural lands

**2.2.11** In cases where residential development is proposed on lands adjacent to or abutting agricultural lands, the Township of St. Clair will ensure that adequate buffering and/or mitigation measures are provided between the development and the agriculture lands where necessary. In this regard, the developer will be responsible for providing the buffering. The specifics of the buffering will be determined when a development is proposed and any buffering requirements will be specified within site plan and/or subdivision agreements.

programs

**2.2.12** The Township of St. Clair may participate in the housing programs of other levels of government in order to achieve the residential goals of the Plan.

affordable housing

**2.2.13** Efforts should be made to encourage the provision of affordable housing in the Township of St. Clair, where practical. In this regard, the Township of St. Clair 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) encouraging residential intensification where practical. The Township will consider ways in which to encourage affordable housing through the utilization of existing housing stock and intensification of existing residential areas. Owners of surplus housing stock, including farmhouses, will be encouraged to consider the potential for conversion to affordable housing rather than demolition; and
- d) adopting alternative development standards where deemed appropriate by the Township of St. Clair.
- e) Preference shall be for locations and communities that are accessible to municipal goods and services, healthy food, commercial areas, employment, medical and health facilities, recreation, transit, and trails and non-motorized transportation. Locations within mixed use developments are encouraged. Affordable housing units shall take into consideration accessibility needs.
- f) Affordable housing shall be integrated within the existing community fabric and not segregated or concentrated with other affordable housing. Affordable housing shall be integrated in such a way as to minimize disruption and protect the physical character and vitality of established neighbourhoods.

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

**housing mix**

**2.2.14** ~~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.~~ This Plan will accommodate a mix of housing types, densities, design and tenure, including affordable housing to meet projected demographic and market requirements of future and current residents.

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 Township of St. Clair 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**

**2.2.15** 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 County, 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. 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;~~ Densities greater than 40 units/net hectare may be considered where the intended tenure is rental, there is proximity to public open space and the density is compatible with surrounding land uses. In such cases, the requirements for high density developments shall also be taken into consideration.
- 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 subject to the Site Plan Control provisions of this Plan;
- 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.
- g) The development shall be subject to Site Plan Control, or other relevant land use and design review processes enacted by Council (eg. CPPS).

**applications for high density**

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

Planning, transportation and servicing feasibility studies may be required by the Township of St. Clair 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 water, storm, and sanitary treatment and distribution system services without appropriate remedial measures being undertaken by the applicant.

All applications for new high-density residential development will be subject to Site Plan Control.

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 Township of St. Clair to provide adequate fire protection.

#### **2.2.17 special residential uses**

~~Special Residential uses include group homes as defined in the Zoning By-law, residential care facilities, senior citizens housing, 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:

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

- i. Approved homes;
- ii. Homes for special care;
- iii. Supportive housing programs;
- iv. Accommodation for youth and adult mental health programs;
- v. Accommodation services for individuals with a developmental disability;
- vi. Satellite residences for seniors; and,
- vii. Homes for individuals who have physical disabilities.

- 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.

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

~~The Special Residential uses to be permitted, and minimum separation distances between existing and/or proposed Special Residential uses, will be established in the municipal Zoning By-law.~~

#### railways

- 2.2.18** All development (except in infilling situations) adjacent to railways shall adhere to a minimum setback of 30 metres from the rail right-of-way. Noise studies will be required to be prepared by a qualified acoustical consultant, to the satisfaction of the Township and the Ministry of Environment and Energy, for development proposals within 100 metres of the CSX railway right-of way. All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Township.

#### infilling setback

- 2.2.20** Where infilling occurs in any established residential areas, setbacks shall be similar to those of the surrounding neighbourhood. The requirements shall be outlined in the zoning by-law. Infilling shall mean the placement of a habitable building(s) between two existing residences not separated by more than 100 metres.

#### Second dwelling units (OPA #17)

- 2.2.21** ~~A second dwelling unit shall be defined in the local zoning by-law to mean a second dwelling unit pursuant to Subsection 35.1(1) of the Planning Act that is ancillary to the principle dwelling unit within the principle building or within a private garage that is accessory and ancillary to normal principle residential uses and accessory to the principle dwelling on the same lot. The following policies shall apply:~~

- ~~a) Secondary dwelling units shall be limited in scale and clearly secondary to the principle dwelling.~~
- ~~b) In location, layout and character, they must be in character with the neighbourhood, the street view, and must not negatively impact the amenity or enjoyment of neighbouring properties. Entrances and any associated outdoor~~

~~living areas shall be towards the interior of the lot. The parkway appearance shall be maintained.~~

- ~~c) Municipal standards for parking, access, setbacks, expected open space, form of development and land use compatibility standards are to be maintained.~~
- ~~d) A second dwelling unit shall not be permitted in certain situations. These prohibitions include, but not limited to, situations where the form of the development would not be in character with the community, lots with already more than one dwelling unit, within buildings that are non-conforming yet would not maintain minimum distance separations or within areas of natural heritage or hazardous areas, on lots which cannot maintain reasonable use guidelines regarding sustainable sewage disposal, or within areas of sewage capacity constraints.~~
- ~~e) Preference shall be given for second dwelling units within a principle dwelling or an attached accessory building. Second dwelling units in detached accessory buildings shall generally be prohibited in basement or second floors of detached buildings. Their permitted size shall be less than the maximum gross floor area of permitted detached accessory buildings as well as being less than the principle residential use. Furthermore, second dwellings 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.~~
- ~~g) The Zoning By-Law shall set out municipal zoning standards for second dwelling units. The severance of a second dwelling unit shall be prohibited.~~

2.2.21 Notwithstanding any other policy in this Plan, the use of 'additional units is authorized in accordance with the *Planning Act* and its associated regulations, by permitting the following:

- i. the use of two residential units in a detached house, semi-detached house or rowhouse; and
  - ii. the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.
- a) For the purpose of calculating residential density and implementing the policies of this Plan, 'additional units' or the potential for 'additional units' shall not be included in maximum density calculations. However, these units may be considered when assessing servicing capacity associated with site development. As well, additional units approved for occupancy (per Ontario Building Code) may be used to demonstrate achievement of minimum densities when applicable, either for implementation of policies in this Plan or for use in an implementing zoning bylaw.

- b) The Township 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. Additional dwelling units shall be limited in scale and secondary to the main dwelling. In location, layout and character, additional dwelling units must not conflict with the physical character of the neighbourhood and must not negatively impact adjoining uses.
- c) An additional dwelling may not be permitted as accessory to a main dwelling unit in certain situations. These may include units within a plan of condominium, and lots where a dwelling is only permitted as accessory to another use. Within rural areas new additional dwelling units shall be located within the farm building cluster and shall be required to meet reasonable use guidelines regarding sewage disposal. 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.

#### 2.2.22 Accessory Buildings

- a) Appropriate uses of accessory buildings in residential areas include storing tools, equipment and materials used in the maintenance of the house and property, activities associated with property maintenance, and storing personal vehicles, recreational items and household items. Hobby activities and limited home industries are also appropriate where the scale and nature of the activities have no objectionable features and are not overly intense for a residential area.
- b) Buildings of form or size which could lend themselves to overly intensive or inappropriate uses with future or present owners or that go beyond what is needed for conventional residential accessory uses shall be avoided.
- c) Buildings of a size or height that is potentially out of scale or character with a residential area will be avoided. Where an over-sized building is determined appropriate, increased side and rear yard setbacks may be required. Over-shadowing neighbouring properties will be avoided.
- d) The Zoning By-law shall set out applicable standards for additional dwelling units. The Committee of Adjustment may consider exceptions where the intent of this Plan's policies applicable to additional dwelling units and section 3.2.19

policies is maintained. In particular, greater flexibility may be given regarding size and form on larger lots that are more rural or recreational in character and provide greater separations to neighbouring uses. Creation of a separate building lot may be more appropriate in some cases than variances for size. The severance of additional dwelling units in the "Agricultural" designation however is prohibited.

#### 2.2.23 Applications for Plan of Condominium

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

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

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

2.2.25 Applications for plans of subdivision and consent within the area shown on Schedule "A, Part 11" – Port Lambton should include an analysis of the water table and the potential for basement flooding. Mitigation of basement flooding due to the water table shall be required.

### **2.3 Policies for Non-Residential Uses**

#### **professional offices**

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

- 2.3.1.1** A limited amount of local professional offices will be considered in existing residential dwellings within the residential areas.
- 2.3.1.2** The use will be limited to a professional practice that primarily provides services to individuals and families.
- development guidelines**
- 2.3.1.3** The establishment of professional offices will be subject to the following guidelines:
- a) The office is located within an existing residential building. Development of new buildings for commercial use may occur if the structure is of similar scale and appearance with surrounding residential structures.
  - b) Alterations to structures should not preclude the re-establishment of residential uses similar to those existing prior to the establishment of the professional practice.
  - c) Adequate off-street parking and buffering of parking areas from neighbouring uses is provided.
  - d) Preference will be given to arterial or collector road locations.

**2.3.2 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**

- 2.3.2.1** A home occupation will be clearly secondary to the residential use, and must be contained entirely within the residential unit.

**non resident employees**

- 2.3.2.2** 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**

- 2.3.2.3** 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**

- 2.3.2.4** No outdoor storage of [equipment](#), materials or goods used by or produced by a home occupation will be permitted.

**sale of goods**

- 2.3.2.5** 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**

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

**limitations on occupations**



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

signs

- 2.3.2.8** 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

- 2.3.2.9** 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

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

municipal servicing

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

**2.3.3** **bed and breakfast establishments**

Bed and Breakfast Establishments are private homes where the owner makes temporary accommodation available to the travelling public (usually tourists) in their own homes. In function and impact, they are similar to a home occupation. Generally, the impact is similar to that which occurs when a neighbour has guests staying for a day or two. However, regulation is required to ensure that a successful Bed and Breakfast Establishment does not evolve into a restaurant or hotel.

The use of single detached dwellings as Bed and Breakfast Establishments will be permitted provided appropriate policies are met:

- a) Bed and Breakfast Establishments must be operated only by persons permanently residing in the dwelling.
- b) Only temporary, short term accommodation to the general public will be provided.

- c) Separate kitchen or dining areas for guests may be provided. Establishment of a restaurant catering to persons other than guests will not be permitted.
- d) No external or internal alteration, of a home utilized as a Bed and Breakfast, that is inconsistent with the physical character of the surrounding neighbourhood will be permitted.
- e) The Zoning By-law will regulate the maximum number of rooms available to guests.
- f) Construction or conversion of buildings accessory to the home to accommodate guests will not be permitted.
- g) The site area is sufficient to provide for off-street parking and buffering from abutting residential uses.
- h) Adequate servicing.

#### **2.3.3.1 short term vacation rentals**

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

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

#### Goals and Objectives for Short-Term Vacation Rentals:

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

- a) STVRs shall generally respect and be compatible with the residential character, amenity, and quality of residential neighbourhoods. This may be achieved through establishing densities for STVRs, mitigation measures to adjacent residential properties, and municipal regulations intended to ensure the orderly management of STVRs;

- b) All roads used to access lots with an STVR shall be of sound construction and conform to the Township'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 Township's relevant By-laws; and
- e) Operators of STVRs shall acknowledge their responsibilities in complying with the Township's by-laws and licensing provisions.

Policies:

- 1) The Township may, on an area-specific or case-by-case basis, prohibit STVRs in areas that are not considered to be consistent with this Plan;
- 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; Guest rooms shall only be available for temporary, short term accommodation to the general public;
- 3) Subject to any other requirements of the zoning or licensing by-law, STVRs shall generally not contain more than three (3) guest rooms. STVRs with four or more guest rooms may be permitted without amendment to this Plan but shall require a site-specific Zoning By-law amendment;
- 4) 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) 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;
- 6) Special provisions applicable to Bed and Breakfast Establishments include:
  - i. Separate kitchen or dining areas for guests may be provided. Establishment of a restaurant catering to persons other than guests shall not be permitted;
  - ii. Only persons permanently residing in the dwelling shall operate a Bed and Breakfast Establishment; and
  - iii. Construction or conversion of buildings accessory to the home to accommodate guests shall not be permitted.
- 7) 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:

- 
- a) All licenced and approved STVRs shall be subject to a municipally approved STVR Code of Conduct;
  - b) Any STVRs with more than three guest rooms shall be defined in the zoning bylaw and subject to site plan control to ensure sufficient on-site parking is available;
  - 8) Occupancy Loads of the dwelling are not exceeded;
  - 9) Appropriate water and wastewater services are provided to the dwelling;
  - 10) Operational fire and safety plans are approved by qualified municipal Inspectors;
  - 11) Appropriate on-site signage is provided;
  - 12) Appropriate site landscaping and buffering is provided to mitigate potential impacts on neighbouring properties;
  - 13) 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;
  - 14) Suitable on-site amenity area is provided for guests and residents;
  - 15) 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
  - 16) 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.
  - 17) As part of a submission in support of a site-specific zoning amendment for STVRs with more than three guest rooms, a proponent shall be required to:
    - a) 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 Township'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.

- 18) “Additional dwelling units” (per *Planning Act*) approved for the site shall not be used for any form of temporary accommodation (i.e. additional units shall only be provided for permanent, long term housing supply); and
- 19) STVRs shall generally be encouraged to locate in proximity to established commercial areas, tourist areas or local attractions”.

#### **2.3.4 local commercial uses**

The following policies will apply to Local Commercial developments:

- 2.3.4.1 Local Commercial uses may be considered by an amendment to the zoning by-law only.
- 2.3.4.2 Local Commercial uses are commercial establishments and local business and professional offices which serve the daily needs of surrounding residents.
- 2.3.4.3 Local Commercial uses will be considered on the basis of the following policies:

- a) The site fronts onto a road that is capable of accommodating the anticipated traffic;
- b) The maximum site area must not exceed 0.4 hectares in keeping with the intent that such uses serve the local residential area with only convenience goods and personal services. For lands described as 394 Alfred Street, in addition to only convenience goods, a local commercial use shall also include: Restaurant - Small Scale, Virtual Reality Facility, For Profit Instructional Facility and institutional uses.

"Restaurant - Small Scale" shall mean a building or part of a building where food is prepared and offered or kept for retail sale to the public for consumption either on or off the premises but shall not include a drive through nor an establishment operation under the *Liquor Licenses Act*, R.S.O., 1990 or its successor. The gross floor area of the use shall not exceed 200 square metres.

"Virtual Reality Facility" shall mean a building, or part thereof, used for simulations for commercial recreational purposes and may consist of interactive computer-generated experiences taking place within an indoor simulated environment, that incorporates mainly auditory and visual, but may also include other types of sensory feedback. This immersive environment can be similar to the real world or it can be fantastical, creating an experience that is not possible in ordinary physical reality.

"For Profit Instructional Facility" shall mean a building or part of a building that may include art school, theatre arts school, dance school, gymnastics school,

martial arts school, business school, beauty school, music school, yoga facility, or a personal training studio. (OPA No. 24)

- c) The site is able to provide safe pedestrian and vehicular access; and
- d) The site area is sufficient to provide for off-street parking and buffering from abutting residential uses.

### **3 CHENAL ECARTE RESIDENTIAL-CONSTRAINT DESIGNATION**

Along the shoreline areas of the Township, residential development exists and is contemplated. The attraction to the waterfront for residential development has proven itself over the years, however, conflicts and problems unique to the waterfront can arise, including: shoreline erosion and flooding, waterfront uses such as docks and boathouses, view concerns, and land filling for residential construction.

Due the existence of unique physical qualities of the Chenal Ecarte waterfront, the “Residential- Constraint” designation contains special provisions (in addition to the policies of the Residential designation) to address these conditions. The policies are consistent with provincial policy regarding development within the flood prone area under the 100 year St. Clair River/Lake St. Clair flooding conditions.

#### **3.1 objectives**

It is the intent of the Township to permit residential development along the St. Clair River and Chenal Ecarte, while minimizing the risk of loss of life and property to individuals living in these areas and to minimize the risk of financial burden to the Township.

#### **permitted uses**

**3.3.1** The primary use of land in the “Residential-Constraint” designation shall be for housing accommodation. The accommodation may include single detached dwellings, duplexes, various forms of townhouses, converted single detached homes, garden suites and apartments.

**3.3.2** Other uses may include local commercial, institutional, recreational and open space uses, subject to locational provisions. Commercial docking, marinas and related facilities will not be permitted in a residential designation.

#### **policies**

#### **floodproofing measures**

**3.3.3** All development or redevelopment shall be required to include floodproofing measures. The following provisions apply:

- a) the minimum building opening elevation shall be 177.3 metres GSC;
- b) the minimum ground elevation for any part of a building lot will be 177.0 metres GSC for a minimum horizontal distance of 2.0 m around the external walls of the building; and,

- c) setbacks from the top of bank of any watercourse to any structure will be 15 metres. Where the flooding and erosion hazard has been overcome with shoreline protection designed and constructed based on acceptable engineering principles, the setback from the bank of any watercourse may be reduced to a suitable setback as specified by the Township Engineer in consultation with the St. Clair Region Conservation Authority.

**access**

- 3.3.4** Ingress/egress for new buildings shall be such that vehicular and/or pedestrian movement is not restricted during times of flooding.

**docks and lifting structures**

- 3.3.5** Docks and lifting structures without enclosing walls may be permitted as accessory uses.

- 3.3.6** **non-residential uses**

The policies regarding Professional Offices, Home Occupations and Bed and Breakfasts [and Short Term Vacation Rentals](#) shall apply in the Residential Constraint designation.

- 3.3.7** **second dwelling units (opa #17)**

Second Dwelling Units may be considered in accordance with the policies of B.2.2.21.



## **4      RESIDENTIAL-SUBURBAN**

This designation applies to the lands between the CSX railway line and the St. Clair River, running south along the St. Clair Parkway generally from Corunna to Courtright and lands along the St. Clair Parkway north of Chenal Ecarte to Stanley Line. It is seen as a residential link between the urban communities, and basic services vary from full sewer and water to fully private individual systems. Most development fronts onto the St. Clair Parkway, and is characterised by large lots with significant setbacks from the road.

### **permitted uses**

- 4.1**      The predominant permitted uses in the “Residential-Suburban” designation shall be Single Family Dwellings. Other permitted uses include accessory buildings, Bed and Breakfasts Establishments, Home Occupations, temporary Garden Suites and works and facilities of the municipal, county, provincial and federal governments necessary to serve the needs of the community.

### **4.2      setbacks and lot sizes**

Where development occurs as infilling between existing developed lots, or across the road from existing development, setbacks from the road and lot sizes shall be similar to that of existing development. Setback requirements will be set in the Zoning By-law.

Where new development occurs that is not infilling,

- a)      Lots fronting on the Parkway shall have a minimum of 0.2 hectares;
- b)      Lots fronting on the Parkway shall address and maintain the parkway appearance, which means that a minimum 30 metre landscaped setback shall be provided. Buildings shall not include "blank" walls facing the parkway.
- c)      Where a new lot is proposed which would have frontage on the Parkway, Council may require the proponent, as a condition of consent, to prepare a landscaping plan which would be approved by the Township and the St. Clair Parkway Commission or its successor.

Where more than one lot is proposed, the required landscaping plan will form part of the severance agreement or subdivision plan.

- d)      Where any development of more than one lot is proposed, the proponent may be required to enter into a severance/subdivision agreement with the Township to implement the preceding measures.

#### **4.3 development adjacent to rail roads**

At a minimum, no habitable building or structure shall be permitted within 30 metres of the rail right-of-way except as detailed below. Noise studies will be required to be prepared by a qualified acoustical consultant, to the satisfaction of the Township and the Province, for developments within 100 metres of the CSX railway right-of-way. All proposed development adjacent to the railway shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Township.

Where infilling occurs in an established residential area, the required setbacks from the railway right-of-way shall be similar to those of the surrounding area. The requirements shall be outlined in the Zoning By-law. Infilling shall mean vacant lands within an established residential neighbourhood in between two residences not separated by more than 100 metres.

#### **4.4 waterfront policies**

Along the St. Clair River shoreline, residential development exists and is contemplated. The attraction to the river for residential development has proven itself over the years. However, conflicts and problems unique to the waterfront arise: shoreline erosion and flooding, waterfront uses such as docks and boathouses, view concerns, and land filling for residential construction.

It is the objective of this section that waterfront development occurs in a manner that recognizes the special hazards of the waterfront, while allowing its use and enjoyment for private and public purposes.

No new residential development will be permitted unless seawalls or similar physical erosion protection features along the shoreline are installed to the satisfaction of the Township and the St. Clair Region Conservation Authority.

The Zoning By-law will establish setbacks for residential buildings and structures that take into account the level of shoreline protection in place that shall apply to existing lots and redevelopment.

For only those lands north of Bickford Line, the minimum grade elevation for residential and accessory buildings, excluding docks and boat lifts, abutting the St. Clair River shall be 177.6 metres CGD.

For only those lands south of Bickford Line, the minimum grade elevation for residential and accessory buildings, excluding docks and boat lifts abutting the St. Clair River shall be 177.0 metres GSC.

Residential development will not be permitted on waterlots, licenses of occupation, land reclaimed from the St. Clair River by filling after January 1, 1987, or its with insufficient area or soil stability for residential development in character with surrounding uses. Such uses may be zoned in a category other than residential.

Boathouses will only be considered as accessory uses to a single-detached residence subject to a zoning by-law amendment.

Docks and lifting structures without enclosing walls may be considered as accessory uses, and may also be considered on water lots in association with backlot development and proof of ownership.

Commercial docking, marinas and related facilities will not be permitted in the "Residential-Suburban" designation.

#### **4.5**

##### **The St. Clair River Shoreline Development Area**

There are slope stability concerns for lands along the St. Clair River between LaSalle Line and Mooretown and located generally west of the St. Clair Parkway. The Township has carried out an assessment of the area. All proposals for development shall be accompanied by a site by site assessment regarding slope stability before a building permit will be issued. The Township may require a geological, geotechnical or other such study the Township deems necessary and consultation with the St. Clair Region Conservation Authority before a building permit will be issued.

The St. Clair River Shoreline Development Area will be identified in the Township's Comprehensive Zoning By-law and appropriate zoning provisions will be applied to ensure that development is carried out in a safe and appropriate manner. Where a geological or other such study as the Township deems necessary is carried out and indicates that greater setbacks are required than found in the specific zone within which the subject property is located, the setbacks established in the study shall take precedence over other zone regulations.

#### **4.6**

##### **second dwelling units (OPA #17)**

Second Dwelling Units may be considered in accordance with the policies of B.2.2.21.

## **5        FAWN ISLAND**

Fawn Island is a unique environment relative to mainland St. Clair Township and as such a distinct designation is required. The “Fawn Island” designation is designed to accommodate the continued use of Fawn Island as seasonal private recreation area, without subjecting the Township to additional financial responsibilities related to servicing and protection.

### **permitted uses**

- 5.1**        The use of Fawn Island shall be restricted to single detached dwellings intended for seasonal or part-time occupation. Facilities for communal use (servicing, recreational facilities, docking) are permitted.

### **policies**

#### **no obligation to provide services**

- 5.2**        Development within the “Fawn Island” designation shall be subject to approval, by authorities having jurisdiction, of private sewage and water supply systems. The Township of St. Clair will have no obligation to provide municipal services or utilities to Fawn Island, with the following exceptions:

Municipal piped water will only be provided to Fawn Island under the following conditions:

- 1)        an incorporated body representing owners and users of Fawn Island will be responsible and liable for such a system from the point it connects to the Township system;
- 2)        one meter will be installed at the point of connection, and the Township will bill the aforementioned corporation, which will be responsible for collecting funds from its members in turn;
- 3)        the installation will be subject to approval of the Ministry of the Environment or its delegate;
- 4)        the water line from the island to the mainland shall not present a danger to shipping or pleasure boats.

Where multi-lot/unit development is proposed on individual sewage and water services for more than five lots/units of residential development, servicing options including development on communal sewage and water systems must be investigated by the proponent to the satisfaction of the Township, the Ministry of the Environment and/or its designated agent. In addition, an impact assessment must be prepared by

the proponent in accordance with the Ministry of the Environment guidelines, demonstrating that the impacts on ground and surface water of the proposal will be within acceptable limits.

**street frontage**

- 5.3** In spite of any policy in this plan, development may proceed without frontage on a public street, as there are no public roadways on the island. The implementing zoning by-law will contain provisions to this effect.

**minimum elevation for buildings**

- 5.4** New cottages or the redevelopment of cottages is permitted under the condition that openings in buildings and structures are not below 177.3 metre GSC, and grading of lots shall ensure a surface elevation of not less than 177.0 metres GSC for a minimum horizontal distance of 1.5 metres from the foundation or outside walls.

**setbacks**

Development or redevelopment shall be required to observe a minimum 15 metre setback from the top of bank of any open watercourse.

Where the flooding and erosion hazard has been overcome with shoreline protection designed and constructed based on acceptable engineering principles, the setback from the bank of any watercourse may be reduced to a suitable setback as specified by the Township Engineer in consultation with the St. Clair Region Conservation Authority.

Access to properties by water only is permitted only on Fawn Island. The primary means of access to Fawn Island is by private pleasure craft or a privately owned and operated ferry. The Township recognizes the special situation of Fawn Island, which has long existed as a private cottaging and recreational area, but will assume no responsibility or liability for the provision of access for cottagers, visitors, emergency vehicles, or the general public. In spite of any policy in this plan, development may proceed without frontage on a public street. The implementing zoning by-law will contain provisions to this effect.

## **6 STAG ISLAND DESIGNATION**

- 6.1** Stag Island is located in the St. Clair River west of Corunna. It has an area of about 113 hectares, and is used for cottaging, recreation and conservation. Most of the island is owned by the Fraternal Fellowship Association, which is an organization of Stag Island cottage owners. Individual sanitary disposal systems serve the island. Many parts of the island are low lying, and susceptible to flooding.

The St. Clair Region Conservation Authority has estimated the 1:100 year flood line at the north tip of Stag Island at 177.6 metres CGD. The Ministry of Natural Resources recommends using a standard of 178.0 metres CGD, which includes a freeboard allowance for wave uprush. Normal (average) water levels at Stag Island are estimated at 176.0 metres. The year 1986 saw a peaking of water levels at an all time high estimated at 177.0 metres at Stag Island, creating some flooding problems during high wave periods or ice jamming. Since then, levels have dropped considerably. The Conservation Authority has recommended use of the 177.6 metre standard.

Recreational use and development of Stag Island started before the turn of the century. Today, the Township is not equipped to provide marine based emergency services. The services and access to the island will not support development beyond the existing recreational uses.

The Township and the Association appear to share the general objective of maintaining the present resort nature of the island, preserving natural features, and encouraging redevelopment that takes into account the flood potential.

### **permitted uses**

- 6.2** The predominant land uses on Stag Island will be cottaging, outdoor recreation and conservation. Facilities for communal use (servicing, recreational facilities, docking) are permitted.

### **cottages**

- 6.2.1**
- a) Cottages will be permitted in lots of record only, subject to new development or redevelopment receiving necessary certificates of approval for sanitary disposal systems.
  - b) Consents for lot consolidation or lot boundary adjustment will be permitted, but the creation of additional lots will not be permitted.
  - c) Cottages are intended for seasonal (summer) use, and not for year round occupancy.

- d) New cottages or the redevelopment of cottages is permitted under the condition that openings in buildings and structures are not below 178.0 metres CGD, and grading of lots shall ensure a surface elevation of not less than 177.8 metres CGD for a minimum horizontal distance of 1.5 metres from the foundation or outside walls.
- e) The design and location of cottages should be compatible with and protective of natural features and characteristics.

**recreational facilities**

- 6.2.2** Recreational facilities will be for the communal use of cottagers, but will not be designed or intended for general public access or commercial purposes.

**access**

- 6.3** a) Access is, and will continue to be, provided by pleasure craft. The Association operates a seasonal ferry service to the mainland. In the long run, the long term parking area for the Association now located on Hill Street west of Lyndoch, should be moved to a less congested area. The Township will co-operate with the Association in this regard. Continued ferry service for pedestrians to the dock at the foot of Hill Street is encouraged.
- b) Access to properties by water only is permitted only on Stag Island. The primary means of access to Stag Island is by private pleasure craft or a privately owned and operated ferry. The Township recognizes the special situation of Stag Island, which has long existed as a private cottaging and recreational area, but will assume no responsibility or liability for the provision of access for cottagers, visitors, emergency vehicles, or the general public. In spite of any policy in this plan, development may proceed without frontage on a public street. The implementing zoning by-law will contain provisions to this effect.

**services**

- 6.4** All services for Stag Island will be provided individually or communally by the Association.

Individual sanitary disposal systems approved by the Ministry of the Environment or its designated agent are required.

Stag Island is in the St. Clair River, and the Township does not have the necessary equipment to maintain a piped water system on the island.

Municipal piped water will only be provided to Stag Island under the following conditions:

- 1) an incorporated body representing owners and users of Stag Island will be responsible and liable for such a system from the point it connects to the Township system;
- 2) one meter will be installed at the point of connection, and the Township will bill the aforementioned corporation, which will be responsible for collecting funds from its members in turn;
- 3) the installation will be subject to approval of the Ministry of the Environment or its delegate;
- 4) the water line from the island to the mainland shall not present a danger to shipping or pleasure boats.



## 7 **CENTRAL COMMERCIAL DESIGNATION**

Central Commercial Area uses are intended to serve the day-to-day needs of the residents of the community, and to a limited extent, tourists visiting or travellers through the Township of St. Clair.

There are central commercial areas in Brigden, Corunna, Port Lambton, Sombra Village, and Wilkesport.

The Commercial Area uses will be restricted to the areas identified on the following Parts to Schedule A: 1, 2, 4, 9, 11, 13, and 14.

### **permitted uses**

- 7.1 Within the Central 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~~ the highest concentration of and the greatest mix of uses including residential, institutional, retail, office and community services appropriate to the size of the community will be permitted.

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

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

### **~~Secondary uses~~**

- 7.2 ~~Secondary uses shall include residential uses subordinate to commercial developments.~~ Residential uses are permitted in a mixed-use format (such as residential units on the second storey of a two storey building).

### **dwelling units**

- 7.3 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) On-site parking is required for residential uses. This policy should not be interpreted to require an Official Plan Amendment where there is a change of use to a property designated under Part IV of the Ontario Heritage Act or to a character defining property designated under Part V of the Ontario Heritage Act not resulting in exterior alterations. Relief with respect to parking may be required through a Planning Application.

**studies**

- 7.4** To strengthen and enhance the role of the Central Commercial Area as the focal point of the community and as a healthy business centre, the Township of St. Clair 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**

- 7.5** New Central Commercial Area development will only be permitted where compatibility with adjacent land use designations and the commercial structure of the Township of St. Clair can be ensured.

**form**

- 7.6** The Central Commercial Area development built 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.~~ The preferred form of development within the Central Commercial Area is for retail and office uses at grade with residential uses locating on upper floors of buildings and/or behind the front portion of buildings, where appropriate.

7.6.1      Proposals for development of new or peripheral shopping areas will demonstrate that the viability of existing mainstreets and Central Commercial areas will not be threatened. Existing mainstreets and Central Commercial areas should be given first priority for development or redevelopment for commercial purposes.

7.6.2

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

7.6.3      All new development within Central Commercial Areas shall be subject to Site Plan Control. In addition, the implementing Zoning By-law shall contain provisions relating to building siting, location and massing to implement the urban design policies of this Official Plan.

**the Sombra Village Commercial District**

**7.7**      Commercial development and redevelopment in Sombra Village shall occur in an orderly fashion that is sensitive to the character and scale of existing and surrounding development

The role of Sombra Village shall be recognized as a tourist orientated commercial destination while also providing for the day to day commercial needs of the community.

**the Corunna Commercial District**

- 7.8** This District is intended to serve as the dominant commercial centre in Corunna. The objectives for this area include:
- a) the continued redevelopment of this area for uses which are supportive of its retail function.
  - b) the development of an improved parking network.
  - c) the fostering of a pedestrian circulation system through the area.
  - d) developing improved links between the area and the St. Clair River.
  - e) the effective use of streetscape, landscaping and urban design elements which improve the atmosphere of the area as a “village” commercial area.
- 7.8.1** Land extensive uses such as car sales lots, farm implement sales establishments, commercial nurseries, and bowling alleys should ~~are encouraged to~~ locate on lands which are designated highway commercial. Commercial uses which do not reinforce the attraction of the Corunna Commercial District and those uses which will not harm the viability of the District if located elsewhere are also encouraged to locate on lands designated highway commercial.
- 7.8.2** The Township, with the co-operation of the Corunna BIA (if BIA is in existence), may form a parking authority to provide and manage parking in the District. Funds acquired by cash in lieu of parking will be used to provide municipal parking in the District.
- 7.8.3** Off street parking should be provided on or near a property proposed for development or redevelopment. Co-operation between adjoining uses in facilitating parking and traffic circulation is desired. The Township may require, in a site plan agreement, that adjoining parking areas link traffic lanes and permit through flow of traffic from adjoining lands.
- 7.8.4** Development or redevelopment in the District should provide facilities that encourage and facilitate pedestrian flow and access throughout the District.
- 7.8.5** Landscaped areas, parkettes, benches, view points, and other amenity features that are pedestrian oriented are encouraged throughout the District.
- 7.8.6** The following standards apply to the area west of Lyndoch Street, between Hill Street and Paget Street:
- i) redevelopment should incorporate public and resident parking facilities that do not direct traffic into or encourage spill over traffic or parking in the residential areas south of Hill Street;

- ii) the boat launch and docks at the west end of Hill Street may be extended to the north, provided parking is incorporated into the development, and provided that no over-wintering parking or season-term parking for boaters or boat trailers is located in this area:
- iii) redevelopment in this area will incorporate parkettes, outdoor sitting areas, and pedestrian walkways that facilitate and encourage access to the balance of the commercial area, and vice versa:
- iv) redevelopment should, where feasible, consolidate existing small land parcels in order to provide sufficient scale of development to meet the requirements of this section and prevent the isolation of individual land parcels or prevent their incorporation into a pedestrian network:
- v) uses such as hotels, restaurants, and other uses that cater to resident and area tourists are encouraged in this area, provided they also assist in serving local commercial needs.
- vi) buildings and structures should be designed in a manner that enhances the river access, particularly to the general public.
- vii) the Township may assemble land for development in this area if it is judged to be reasonable to encourage desired development, if such land assembly has the support and co-operation of the BIA (if BIA is in existence), and provided it does not place an undue financial burden on the municipality.
- viii) the Township should encourage planting strips along streets with widths to be established in the local comprehensive zoning by-law.

**7.8.7** Development or redevelopment in the Corunna Commercial District is to be designed so that the attractiveness and ambience of the District is improved. Efforts in this regard will include:

- a) new buildings are to be established so that, where feasible, they are at the same setback from Lyndoch Street:
- b) signage for local businesses should be designed so they do not detract from or obliterate the signage of other businesses, create undue clutter or confusion, create a traffic or view hazard, or detract from the ambience of the District:
- c) the establishment and appearance of signage may be guided through site plan control or a sign by-law passed pursuant to the Municipal Act:

- d) the Township will encourage developers to utilize attractive building designs which contribute to the District's identity as a village commercial district. The scale and appearance of buildings will be in keeping with this character. The Township may require the submission of elevation drawings during the implementation of site plan control.
- e) development should include planting strips along streets with widths to be established in the local comprehensive zoning by-law.

## **7A COURTRIGHT COMMERCIAL DESIGNATION (OPA # 6)**

### **permitted uses**

**7A.1** Within the “Courtright Commercial” designation the land may be used for businesses engaged in the buying, selling, supplying, leasing and exchange of goods and services in keeping with the function of the area.

To enhance the Courtright Commercial area, various public buildings or institutional uses will be encouraged.

Residential uses may be permitted that take the form of multiple residential dwellings in order to increase the potential market for existing lower order commercial uses and take the best advantage of the scenic attributes of the St. Clair River. Existing low density residential uses are permitted and may be altered or improved.

### **7A.2 dwelling units**

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 the St. Clair Parkway, the dwelling units must be located above or behind ground floor commercial uses, unless the units are part of a multiple residential dwelling building with four or more units or a redevelopment of an existing single detached dwelling. As such, multiple dwelling buildings may have ground floor units fronting onto the St. Clair Parkway;
- b) Dwelling units shall provide access to an on-site, open space area suitably landscaped and maintained, or alternatively they are provided with a balcony;
- ~~c) Access to the dwelling units is provided with appropriate on-site parking spaces generally 1.5 spaces per unit which should be hardsurfaced and designed to urban standards.~~
- d) The Township will require the submission of a site plan to be approved as a condition of multiple residential development.
- e) Landscaping and urban design will be required as a condition of development. Landscaping and planting strips can preserve or enhance the visual quality of the development and can act as a mechanism to mitigate adjacent land uses from any undesirable impacts. Landscaping will be required in the front yard and any yard abutting a residential use or street. Landscaped areas with amenity features are required to be incorporated in the site plan design.

- f) Lighting should be arranged as to deflect light away from adjacent properties or residential units.
- g) Minimum setbacks may reflect but not further encroach into the established building lines; however, site triangles shall be recognized regardless.
- h) The Municipality may require additional studies as deemed necessary such as noise studies, landscaping plans, drainage plans, etc.
- i) Conversions of existing buildings to street level residential units shall ensure that street noise and vibrations are appropriately mitigated and appropriate onsite parking is procured during the site plan process.
- j) Multiple residential buildings shall be compatible with the form of development as shall be a minimum of two storeys in form.
- k) New residential units will be considered only when it can be demonstrated that there is sufficient sewage capacity.

### 7A.3 Commercial Uses

Commercial development form will typically be a grouping of retail and other commercial uses under common or individual ownership, and should be similar in form to the existing commercial developments.

Commercial redevelopment in Courtright shall occur in an orderly fashion that is sensitive to the character and scale of existing and surrounding development

Land extensive uses such as car sales lots, farm implement sales establishments, commercial nurseries, and bowling alleys ~~should be encouraged to~~ locate on lands which are designated highway commercial. Commercial uses which do not reinforce the attraction of the Courtright Commercial District and those uses which will not harm the viability of the District if located elsewhere are also encouraged to locate on lands designated highway commercial.

Off street parking should be provided on or near a property proposed for development or redevelopment. Co-operation between adjoining uses in facilitating parking and traffic circulation is desired. The Township will require, off-street parking in a site plan agreement.

Loading spaces must be situated off the street and identified on the site plan a condition of redevelopment.



Landscaped areas, parkettes, benches, view points, and other amenity features that are pedestrian oriented are encouraged throughout the District. Buildings and structures should be designed in a manner that enhances the river access, particularly to the general public.

Lighting should be arranged as to deflect light away from adjacent properties or residential units.

Minimum setbacks should reflect proper urban design and should not further encroach into the established building lines; however, site triangles shall be recognized regardless.

No open storage shall be permitted; however, a regulated open display area may be permitted.

## **8 HIGHWAY COMMERCIAL DESIGNATION**

Highway Commercial areas are areas providing locations for commercial uses that are land extensive, motor vehicle orientated, inappropriate in a defined central commercial district(s), or that can locate outside of central commercial districts without threatening the long term viability of such districts.

Usually, such highway commercial areas are located on the fringe of urban areas on major traffic arteries. The over-development of highway commercial areas or their evolution into commercial nodes that duplicate the function of central commercial districts can harm the basic structure of a community by undermining the support for such central commercial districts.

At the same time, properly planned Highway Commercial areas provide for useful and necessary commercial uses that are constrained unduly in other commercial areas. Examples of such uses include automobile dealers, nurseries, lumber yard, warehouse outlets, fitness centres, large banquet or meeting halls, and similar uses.

The basic objective of this section is to provide locations for land extensive uses, or uses that are inappropriate in or do not reinforce the function of central commercial areas.

### **permitted uses**

#### **8.1** Permitted uses within Highway Commercial Areas will include the following or similar uses.

Mod A-4

Uses not specified will require an amendment to this plan and a justification study. The justification study must demonstrate that the proposed use will not threaten the long-term viability of the central business district. A key element of the study will be a market analysis that demonstrates a community need, and that demonstrates that sufficient market support will be present to serve the proposed development and existing central commercial areas. Shopping centres with a gross floor area of greater than 2,000 square metres are prohibited, except by amendment to this plan as set out above. The concern of the Township is the health and viability of the central business district and not the protection of individual businesses from competition.

### **Permitted Uses**

- a) Automobile service station; vehicle, trailer and marine sales, repair and service facility, retail gasoline facility and car wash;
- b) Drive-in Restaurant;
- c) Motel, hotel (cabins and cottage park), and related tourist facilities;
- d) Place of amusement and recreation (such as bingo hall, bowling alley or miniature golf);

- e) Industrial and agricultural equipment sales and service;
- f) Retail warehouse;
- g) Foodstore;
- h) Restaurant; banquet hall or meeting hall
- i) Farmers' market, flea market, gift shop or antique store;
- j) Building and contractor supply store and/or bulk sales, garden centre and laundromat;
- k) Service industrial uses;
- l) Commercial warehousing;
- m) Private commercial recreational facilities such as fitness and health club; arena; tennis, squash and racquetball courts;
- n) Animal Clinic;
- o) Institutions, place of worship or funeral service establishment.

**8.1.1.1**

Mod A-5

Despite the generality of the aforementioned highway commercial uses, retail uses shall not be less than a minimum gross floor area of 300 square metres. In this manner, the retail uses which are envisioned in the highway commercial area will be space extensive and generally not easily accommodated in the central business district.

**8.2 Site Design Policies**

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

**8.2.1**

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.

**8.2.2**

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.~~ An appropriate front yard setback shall be provided to:
  - a) Provide opportunities for landscaping at the street to promote an attractive streetscape;
  - b) Provide pedestrian access from the street to the building(s);
  - c) Promote the overall attractiveness of the site within the context of the commercial area.

**8.2.3** 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.
- d) Siting of any building(s) to ensure that the building(s) are setback an appropriate distance from the adjoining use.

## **9 CHENAL ECARTE**

### **COMMERCIAL-CONSTRAINT DESIGNATION**

The Chenal Ecarte shoreline present significant and often desirable opportunities for commercial development (eg. restaurants, hotels). In some cases the waterfront is the primary location for commercial enterprises, most notably marinas. As a result of the unique nature of the waterfront, specific issues must be considered: shoreline erosion and flooding, waterfront uses such as docks and boathouses, view concerns, and land filling for construction. The “Commercial-Constraint” designation contains special provisions to address these conditions. The policies are consistent with provincial policy regarding development within the flood prone area under the 100 year St. Clair River/Lake St. Clair flooding conditions.

#### **permitted uses**

- 9.1** The predominant uses in the “Commercial-Constraint” designation shall be establishments engaged in the buying, selling, supplying, leasing and exchanging of goods and services. Establishments most consistent with the general commercial area designation include clothing stores, general merchandise outlets, restaurants, food stores, specialty shops, financial institutions, real estate offices, and professional offices. Also encouraged in the general commercial area and serving to enhance its identity and strengthen its function are various public buildings such as the local library, the post office, and the museum. Dwelling units will also be encouraged subject to the criteria of the Central Commercial policies.

#### **9.2 policies**

##### **applicability of central commercial policies**

- 9.2.1** The policies of the “Central Commercial” designation shall apply to all commercial development within the “Commercial Constraint” designation.

##### **floodproofing requirements**

- 9.2.2** Within the flood fringe of the Chenal Ecarte, all development or redevelopment shall be required to include floodproofing measures. Along the Chenal Ecarte, the following shall apply:
- a) the minimum elevation for building openings shall be 177.3 metres GSC with minimum ground elevations at 177.0 metres GSC for a minimum of 2.0 metres around the external walls of the building;
  - b) setbacks from the top of bank of any watercourse to any structure will be 15 metres. Where shoreline protection is provided, the setback from the bank of

any watercourse may be reduced to a suitable setback as specified by the Township Engineer in consultation with the St. Clair Region Conservation Authority;

Ingress/egress for new buildings shall be such that vehicular and/or pedestrian movement is not restricted during times of flooding.

## 10 INDUSTRIAL POLICIES

### introduction

- 10.1** Industrial activity in St. Clair Township is predominantly large-scaled petrochemical refining and manufacturing. Smaller industries such as feed mills, fabricating, excavation and construction industries are also located within the Township, and many provide services to the plants within the Chemical Valley.

Industrial development has occurred primarily in the western portion of the Township along Highway 40, and along the waterfront south of Courtright and north of Corunna. The availability of transportation routes including Provincial Highway 40, the CNR and CSX railways and the St. Clair River, as well as the abundant source of water from the river makes this an attractive area for additional industrial development.

Lands near the urban communities in the Township are also attractive for industries which require services such as sanitary sewage disposal and water supply services. However, there is a potential for conflict between industrial operation, which may have a variety of undesirable impacts associated with them, and residential areas.

Conflicts may also arise between industrial uses. Fires or explosions at one site can trigger emergencies at adjacent industries, if appropriate mitigation measures are not taken.

**The Township feels that these difficulties can be overcome by ensuring that industries are adequately separated, that only industries compatible with residential uses locate near urban communities, and that higher impact uses are separated or buffered from the residential areas.** The Shell Oil refinery, a high impact industry, located adjacent to the community of Froomfield, illustrates the need for separation and buffering between incompatible uses.

A second concern involves the availability of municipal services. Industrial development within service areas should be restricted to those activities which can be accommodated on municipal services, and industries which require large amounts of water for cooling purposes, or have waste water which can not be accommodated by municipal facilities should locate elsewhere on private water supply and treatment facilities.

The Township wants to encourage the diversification of the industrial and employment bases of the Township. By providing locations which can accommodate a wide variety of industrial uses, the Township hopes to accomplish this and contribute to strengthening the local economy.

The impacts of industry on the environment is also a key concern for the Township. The proper treatment and disposal of wastes generated by the community and industry is essential to minimize undesirable environmental impacts, and ensure the safety of Township residents. The primary concerns of the Township are that waste be handled safely, that waste treatment processes are technically sound, and that wastes are disposed of only in areas which are physically suited to handle the waste.

The policies in this section apply to all lands within an industrial category in this plan.

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

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

#### **Objectives**

- 10.2** a) The primary objective of this policy is to ensure that industrial development occurs in appropriate locations to avoid conflicts with incompatible uses, to minimize undesired environmental impacts, and to contribute to the community's acceptance of industry.
- b) This policy will also provide flexibility to meet the development needs of a wide variety of industrial uses, and to promote the diversification of the industrial base of the Township.

### **10.3 General Policies**

- 10.3.1** The policies within this section will apply to all lands within an industrial designation.

#### **Separation Distances and Buffering**

- 10.3.2** The impacts of industrial uses on neighbouring land uses vary depending on the nature and location of the particular industry. However, impacts can be reduced if the industry is effectively separated or buffered from other uses or adjacent uses. For example, the visual impact of flare stacks and cooling towers may be reduced if the stack or tower is buffered from other uses. In addition, impacts such as noise, dust, odours, other contaminants, and vibrations from industrial operations can be minimized with appropriate distance separations or if they are screened or buffered from surrounding uses. Impacts from fires or explosions can also be reduced if buffering or separation measures are employed.

The objective of this subsection is to ensure that industry is adequately separated or buffered from incompatible uses to avoid conflicts and to protect the residents of the Township from any possible harmful effects of industry.



**Development and Use Standards**

- 10.3.2.1** Separation or buffering measures which may be required as a condition of development approval include: landscaping, fencing, berming or setbacks.

Buffering will be required along roadways.

High impact or heavy industrial uses (Type 3) shall locate at least 1.6 kilometres from any residential designation.

Notwithstanding the above clause, infrastructure and buildings used in transferring liquid propane or liquid petroleum gases from underground hydrocarbon storage features and/or above ground tanks to rail cars for bulk distribution may be located closer than the 1.6km setback, but no closer than approximately 740 metres from a residential designation on lands identified on Schedule A, provided there are additional site specific building envelope setbacks from lot lines, berms and landscaping, in addition to appropriately implementing the recommendations of studies deemed necessary by the Township of St. Clair (stormwater, engineered hazard separation distances, risk and safety management, noise, emissions, vibration, traffic, archeological studies or other studies deemed necessary by the Township of St. Clair). (OPA #16)

Notwithstanding clauses to the contrary, open storage in a front yard may be considered in terms of a rail marshalling yard that stores empty rail cars associated with a Rail Loading and Distribution Facility for Compressed Liquid Propane and other Liquid Hydrocarbon Gases including Butane, provided it is not located closer than 485 metres from a residential designation on lands identified on Schedule A as Lands Subject to Official Plan Amendment No. 16, and there are additional site specific setbacks from lot lines, berms and landscaping in addition to appropriately implementing the recommendations of studies deemed necessary by the Township of St. Clair (stormwater, engineered hazard separation distances, risk and safety management, noise, emissions, vibration, traffic, archeological or other studies deemed necessary by the Township of St. Clair). (OPA #16)

The Township may require a separation distance of greater than 1.6 km from residential designations for industrial uses which normally have impacts which are extreme or are likely to have harmful effects on residents if located within 1.6 km of a residential designation.

**Highway 40 Policies**

- 10.3.3** Industrial areas within 150 metres of Provincial Highway No. 40 shall be considered “prestige industrial” locations and will prohibit parking and open storage uses in the area between the structures / buildings and the highway.

**Waterfront Policies**

- 10.4.3 The St. Clair River shoreline acts as a natural attraction to industrial development. Industries located along the waterfront use the river as a source of water for cooling purposes, and for transporting raw materials and finished products. Because of these locational attributes, it is expected that there will be a continued demand for waterfront industrial land. However, conflicts can arise between industry and other competing uses such as residential and recreational uses, which are also attracted to the waterfront lands.

It is the objective of this section that waterfront industrial development occur in a manner which will not create conflicts with other uses, while ensuring waterfront access for industrial purposes. A second objective is to provide opportunities for development consistent with the Parkway concept.

**10.4.3.1 Industrial Docking Facilities**

a) Introduction

Additional industrial docking facilities may be needed by industries which require water access.

The objective of this subsection is to permit the development of industrial docking facilities adjacent to industrial designations along the waterfront, subject to appropriate standards.

b) Development and Use Standards

Docks must be equipped with spill containment facilities to limit the spread of any materials spilled into the river or adjoining lands during loading or unloading.

Any conveyor proposed to cross the St. Clair Parkway shall be of sufficient height to allow the passage of traffic underneath, shall be completely enclosed, and supports shall be set back from the road allowance.

Land along the Parkway shall be landscaped, and parking areas for the general public observing such operations should be provided.

No industrial docking facilities shall locate in front of residential designations along the waterfront.

Industrial docking facilities shall be subject to site plan control.

**10.4.3.2 Parks and Recreation**

a) Introduction

The Township wants to provide opportunities whenever possible to enhance the scenic and recreational amenities of the waterfront to contribute to the Parkway Concept.

It is the objective of this subsection to provide for the development of parks and recreation facilities within the industrial designations along the waterfront.

b) Donation of Waterfront Lands

Developers are encouraged to contribute to the Parkway Concept. This could include the donation of waterfront lands to the St. Clair Parkway Commission and the co-operative development of waterfront lands with the Parkway Commission for parks and recreational purposes, industrial/waterfront interpretive facilities and similar features.

c) Density and Height

When a developer donates or develops parkland along the waterfront, the Township in return for the provision of these facilities may authorize increases in density or height pursuant to Section 37 of the Planning Act, 1996.

#### **10.4.4 Existing Residential Development**

a) Introduction

The Township considers residential and industrial uses generally to be incompatible and supports the notion that these uses should be separated. However, there are presently pockets of residential development within industrial designations.

To zone these uses in a residential category would be undesirable for several reasons. Developers, in the past, have been discouraged from purchasing these properties for industrial use, since the residential zoning would not permit industrial uses. The residential zoning may also mislead prospective purchasers of the property for residential purposes where the surrounding area is vacant industrial land. The purchaser may not be aware that the surrounding land is intended to be used for industrial activities. In addition, land use conflicts can arise if new residences are constructed or if the vacant industrial land is developed.

However, the Township does not want to place any unfair restrictions on the residential property owners who have purchased or have developed this land for residential uses. Therefore, the Township will not place these uses in a legal non-

conforming use status in the by-law, or unfairly restrict the property owners use of the land for residential purposes.

It is the objective of this section to provide for the development of industrial uses in areas so designated, while permitting the continuation of the existing residential uses in industrial designations. This policy shall apply to those lands in an industrial designation in Lots 6 through 24, Front Concessions, Lots 65 and 66, Front Concession and Lots 71 and 72, Front Concession, which were in a residential zone category at the date of adoption of this plan. The implementing Zoning By-law will include existing residential uses as a permitted use in these areas. This will enable the owners of existing residential lots to continue using their property for residential purposes.

#### Sensitive Land Uses

New residential uses are prohibited. New sensitive land uses that are not ancillary to employment uses are prohibited.

#### **10.4.5 Medical Marihuana Policy (OPA #21)**

A medical marihuana facility may be considered as a permitted use in any M2 or M3 Industrial designation in the Township of St. Clair provided the use can maintain the following provisions:

Medical marihuana facilities shall be located in a public water service area that is capable of accommodating the water requirements of the facility.

A medical marihuana facility should be located in a wholly enclosed building, including loading areas. No open storage is permitted.

Medical marihuana facilities shall be separated from a residential or sensitive area; and, a lot containing a medical marihuana facility shall not be less than 300 metres from a residential lot, lands zoned or designated for residential uses or sensitive land uses including open space, institutional or commercial.

Medical marihuana facilities shall be subject to site plan control. Proposals for medical marihuana facilities shall ensure site plan matters including security, odour mitigation, lighting and consultation with the local fire, police, and the Electrical Safety Authority.

Medical marihuana facilities shall not be located in an area that would use roads that would have the potential to funnel traffic into residential neighbourhoods and should be within 100 metres of an arterial, county or collector road.

Medical marihuana facilities shall ensure that the public water system has sufficient abilities to address fire suppression.

"A medical marihuana facility" means any lands, building or structure licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import marihuana for medical purposes, including related research under the Marihuana for Medical Purposes Regulations or any subsequent legislations (i.e. Access to Cannabis for Medical Purposes Regulations (ACMPR)) under Subsection 55(1) of the Controlled Drugs and Substances Act or as amended.

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

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

Major retail uses are considered to be non-employment uses and are not permitted in Employment Areas.

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

10.4.8 In circumstances where an industrial use cannot be accommodated in the designated Industrial areas due to parcel size or separation requirements, any such industry may locate outside of an existing Urban Centre, Urban Settlement designation, by amendment to the County and Township Official Plans, provided that the following criteria are met:

- a) There is an identified need or demand for additional land to be designated to accommodate the proposed use;
- b) Alternative locations have been evaluated and
  - i. there are no reasonable alternative locations available within an Urban Centre or Urban Settlement designation;
  - ii. there are no reasonable alternative locations which avoid prime agricultural areas; and
  - iii. there are no reasonable alternative locations with lower priority agricultural lands;
  - iv. The proposed location is not in a specialty crop area;
  - v. The proposed location complies with the Minimum Distance Separation formulae;
  - vi. The proposed use is compatible with existing and anticipated future uses in the immediate area and any impacts on surrounding agricultural operations are mitigated to the extent feasible;
  - vii. The proposed use can be fully serviced with municipal water and can provide adequate sanitary sewage disposal and treatment
  - viii. The site is located in proximity to a major transportation corridor;
  - ix. The site should preferably be contiguous to existing industrial lands; and,
  - x. The site is compatible with the Natural Heritage policies of this Plan.

10.4.9 New industrial uses which involve handling of toxic or other hazardous materials will not be permitted within susceptible areas to groundwater contamination as identified in Appendix Map A of County of Lambton Official Plan and Appendix “C” of this Plan.

**10.4.10 lands designated as Employment Areas**

The following lands shall be an Employment Area in accordance with the Provincial Policy Statement (2020):

Lands designated Industrial Type One, Industrial Type Two and Industrial Type Three in this Plan.

## **11      TYPE ONE INDUSTRIAL DESIGNATION**

### **Introduction**

- 11.1** Certain types of industrial uses require a relatively short separation distance from residential areas to ensure compatibility. These low impact uses are typically small-scaled operations, which can be accommodated on small lots. Their servicing requirements are similar to those of residential uses requiring sanitary sewage disposal and water supply services for employee use and housekeeping purposes.

To date, these types of industries have generally not located in the Township. This may be due in part to a lack of small industrial lots within the Township which are partially or fully serviced. However, this form of industrial development is desirable since it can provide increased employment opportunities, and contribute to a more diversified industrial base, and ultimately to a stronger local economy.

The objective of this designation is to provide for development within a “Type One Industrial” designation, subject to standards to ensure compatibility with non-industrial uses.

### **Policies on Permitted Uses**

- 11.2** The predominant form of development shall include offices, small-scaled manufacturing, packaging and assembly, and research and development. Other permitted development includes agricultural uses, service commercial uses, bulk sales, building supply establishments and commercial uses which are inappropriate in a central commercial area, or would not contribute to the overall market attractiveness of a central commercial area, if located there. These uses include, automobile repair, sales or parts facilities, excluding scrap yards, recycling or similar facilities.

### **Limitations**

- 11.3** Uses or uses which possess characteristics which are incompatible with the Type One industrial uses shall be prohibited. Without limiting the generality of this policy these uses and characteristics shall include: petrochemical refining, chemical refining, metal stamping and moulding, uses in which volatile materials are required in or are a product of processing or manufacturing, uses which require flares, and uses which require significant amounts of water for process or cooling purposes.

### **Buffering and Landscaping**

- 11.4** Landscaped areas will be required in front yards. To minimize impacts on residential uses and other non-industrial uses, buffering in the form of setbacks, fencing or landscaping shall be required in any yard which abuts a non-industrial designation.

**Servicing**

- 11.5** No development will be permitted in a service area if it would exceed the capacity of the services available to the site, or if it produces effluent before treatment that can not be treated by the municipal treatment facility for the urban area in which it is situated.

If additional services are needed to adequately service the proposed development, the Township may require the upgrading of the existing services as a condition of development approval.

Any development which generates effluent which can not be treated by municipal treatment facilities shall not locate in a Type One designation, but may locate in the industrial designation which can accommodate the development, and will be subject to the development standards applying to that designation.

**Loading/Shipping Areas and Parking Lots**

- 11.6** Loading and Shipping areas shall be in a yard other than the front yard. All parking areas in the front yard shall be paved.

**Outdoor Storage**

- 11.7** Type One designations are situated in relatively close proximity to residential communities. To preserve the visual amenities of these areas, the outdoor storage of equipment, chemicals, product, and any other material shall be prohibited.

**Site Plan Control**

- 11.8** The Township may require the submission of a site plan to be approved as a condition of development approval or rezoning, and may require a site plan agreement, as provided for in the Planning Act.

**Road Access**

- 11.9** New industrial development is likely to generate increased traffic flows in the areas. It is preferable to have access to these industrial areas from roads which are designed for slow to moderately moving traffic. New development shall, where feasible and practical, access onto local or collector roads which do not funnel traffic through residential or commercial areas.

If the existing roads are not capable of handling the traffic generated by the industry, the developer may be required as a condition of development approval, to construct service roads, or upgrade the existing roads by providing travel lanes, turning lanes or stop lights.

**Building Height**



- 11.10** The height of any proposed buildings or structures shall be similar to existing or permitted building heights in the surrounding area, to ensure that the visual character of the area is maintained.

**Lot Size**

- 11.11** This designation is intended to accommodate small-scaled industrial uses. The maximum lot size shall be 0.6 hectares and the maximum lot coverage shall be 60 percent.

## **12      TYPE TWO INDUSTRIAL DESIGNATION**

### **Introduction**

- 12.1**      This designation is intended to accommodate industrial uses which are moderate in scale. Type Two industrial uses may have land use or environmental impacts which require greater separation distance or buffering requirements than those for a Type One use, but their impacts are not considered to be as great as those associated with heavy industrial operations.

Locations near heavy industrial uses, may serve to attract Type Two uses which require product or waste material generated by the industry for their operations.

However, the servicing requirements for a Type Two use are generally similar to those for a Type One industry consisting of sanitary sewage disposal and water supply services for employee use and general housekeeping purposes. Thus, areas which are fully or partially serviceable may be locationally attractive for these uses.

The Type Two designations may serve an additional function. In some cases, they can provide a buffer between the heavy industrial uses and uses more sensitive to the impacts of heavy industry, and protect these uses, particularly residential areas, from the potentially harmful effects of heavy industry.

The objective of this section is to provide for development within a Type Two designation subject to appropriate standards. A second objective is to ensure that non-compatible uses as well as other industrial uses are adequately protected from any possible harmful effects of development.

### **Policies on Permitted Uses**

- 12.2**      The predominant form of development shall include Type One uses as well as large scale warehousing and storage, excluding the bulk storage of volatile substances such as tank farms and underground storage access. Other permitted development shall include: agricultural uses, intensive use recreational facilities such as ball parks, recreation centres, and drive-in-theatres.

A medical marihuana facility may be permitted provided the policies of Section B.10.4.5 are maintained. **(OPA #21)**

### **Limitations**

- 12.3**      Uses or uses which possess characteristics which are incompatible with Type Two uses shall be prohibited. Without limiting the generality of this policy, these uses and characteristics shall include: petrochemical refining, chemical refining, metal stamping and molding, uses in which volatile materials are required in or are a product of

manufacturing or processing, uses which require flare stacks, and uses which require large amounts of water for process or cooling purposes.

**Site Plan Control**

- 12.4** The Township may require the submission of a site plan to be approved as a condition of development approval or rezoning, and may require a site plan agreement as provided for in the Planning Act.

**Servicing**

- 12.5** No new development will be permitted in a service area if it would exceed the capacity of the services available to the site, or if the proposed development will produce effluent which cannot be adequately treated by the municipal treatment facility servicing the area.

If additional services are needed to accommodate a proposed development within a service area, the Township may require the upgrading or extension of the existing services as a condition of development approval.

Any development which generates effluent which cannot be adequately treated by municipal treatment facilities will be required to locate in an area other than a service area, and will be required to provide individual treatment facilities.

**Lot Size**

- 12.6** The Type Two designation is intended to accommodate small to moderately scaled industries.

The minimum lot size shall be 0.6 hectares.

**Landscaping and Buffering**

- 12.7** Landscaping can preserve or enhance the visual quality of an industrial area, and can also act as a buffer providing protection for both the industry and surrounding land uses from any undesirable impact associated with a particular use.

Landscaping will be required in front yards.

Buffering in the form of setbacks, fencing, or landscaping will be required in any yard which abuts a non-industrial designation.

Buffering may also be required in any yard which abuts an industrial designation if the proposed development is likely to create a nuisance or have undesirable impacts on the adjacent industrial use.

**Storage**

- 12.8** Outdoor storage of material can create visual impacts which are detrimental to surrounding land uses, or to the character of the area, unless storage areas are adequately screened from neighbouring uses.

The storage of equipment, chemicals, product or any other material shall be prohibited in front yards.

Buffering will be required around storage areas in side or rear yards.

The Zoning By-law may require additional setbacks of storage areas along roadways.

**Road Access**

- 12.9** Any proposed development shall access onto roads capable of handling the traffic generated by the development.

Where practical and feasible, new industrial development shall not access onto local or collector roads which funnel traffic through residential or commercial areas.

Where the traffic generated by the industry cannot be accommodated on existing roadways the developer may be required to construct local service roads, or make any necessary improvements to existing roads such as the addition of travel lanes, turning lanes or stop lights, as a condition of development approval.

**Height of Buildings or Structures**

- 12.10** The height of buildings or structures can vary to serve different purposes. In some cases, the height of buildings and structures should be consistent with other buildings or structures in the area, to preserve the visual quality of an area. However, in other situations it may be beneficial to permit heights greater than those in the surrounding area so that very high structures such as cooling towers or flare stacks in a Type Three or Type Four designation are buffered from view.

The Zoning By-law will establish the building and height requirements for a Type Two industrial use.

## 13 TYPE THREE INDUSTRIAL DESIGNATION

### Introduction

- 13.1** The Type Three industrial designations are intended to accommodate large scale or heavy industries. These uses are presently the predominant form of industrial development within the Township, and are the controlling factor of the economic base of the Township.

Type Three uses tend to be high impact uses, inherently incompatible with residential uses, and have the potential to have significantly harmful environmental impacts.

The servicing requirements for these types of uses are generally greater than can be provided by municipal systems. Waste water may contain chemicals which cannot be adequately treated by municipal facilities, and water requirements are generally too large to be provided by the municipal facilities. In many cases these industries operate private waste water and water supply facilities.

However, these industries can co-exist with other uses in the Township if located in appropriate areas, and if the environmental protection measures used are technically sound.

The objective of this section is to provide for the development of Type Three industrial uses, in areas locationally suited for these types of uses, and subject to appropriate development standards.

### Policy on Permitted Land Uses

- 13.2** The predominant form of development shall include: Type One and Type Two uses, and petrochemical refining, chemical refining, metal stamping, metal plating or finishing, metal coating or molding, tank farms, scrap yards, and any other use in which volatile materials are required in or are a product of manufacturing or processing, uses which require flares, and uses in which large amounts of water are needed for cooling or process purposes. Other permitted development shall include agricultural uses.

A medical marihuana facility may be permitted provided the policies of Section B.10.4.5 are maintained. **(OPA #21)**

- 13.2.1** **Waste Management Use (OPA #20)**

The existing hazardous waste disposal site at 4090 Telfer Road, including specialized on-site services associated with and accessory to the waste disposal site including but not limited to administrative offices, laboratories for waste testing and/or analysis, pre-treatment systems, and incinerators are permitted on those lands identified as "Industrial Type 3 and affected by OPA #20". Furthermore, the *"identified expansion"*

of the waste disposal site is a permitted use on those lands identified as "Industrial Type 3 and affected by OPA #20". The "*identified expansion*" shall mean the additional landfill capacity is expected to be predominantly through a vertical expansion of the existing landfill area with an exception of new landfilling outward in the south east and west corners of the current landfill area, [subject to the mapping on Schedule "B" \(including Part 15\) and associated natural heritage policies](#). The peak elevation of the waste is limited to the height of the existing perimeter berm 211 metres AMSL (above mean sea level) and would mean an approximate increase in height of a maximum of 9 metres not including the addition of the cap (~1.45 metres).

**Site Plan Control**

- 13.3** The Township may require the submission of a site plan to be approved as a condition of development approval or rezoning, and may require a site plan agreement as provided for in the Planning Act.

**Berming**

- 13.4** Some Type Three industries may have the potential to create fire hazards or may use explosive materials. These uses should be adequately screened to reduce visual impacts, and to protect surrounding uses from any possible explosion or fire hazard. Any use involving the manufacture, processing, or storage of large amounts of volatile materials shall provide berming along all property lines.

**Environmental Protection Measures**

- 13.5** Any use involving petrochemical, chemical, metal stamping or plating, or any other use that uses large volumes of lubricating liquid, chemical or heavy metals in solution shall install storm run-off containment and treatment systems that ensure that surface water or ground water running off the site is not contaminated.

Any loading or shipping areas shall be drained so that, in the event of a spill, materials will not travel off the loading or shipping area and any spilled material may be easily and safely contained and collected for treatment.

Development shall provide confirmation that all required Certificates of Approval have been obtained from the Ministry of the Environment.

**Separation Distances**

- 13.6** The Township considers Type Three uses to be incompatible with residential uses.

No new Type Three industrial development shall be permitted within 1.6 km of a residential designation.

Notwithstanding the above clause, infrastructure and buildings used in transferring liquid propane or liquid petroleum gases from underground hydrocarbon storage features and/or above ground tanks to rail cars for bulk distribution may be located closer than the 1.6km setback, but no closer than approximately 740 metres from a residential designation on lands identified on Schedule A, provided there are additional site specific building envelope setbacks from lot lines, berms and landscaping, in addition to appropriately implementing the recommendations of studies deemed necessary by the Township of St. Clair (stormwater, engineered hazard separation distances, risk and safety management, noise, emissions, vibration, traffic, archeological studies or other studies deemed necessary by the Township of St. Clair). (OPA #16)

Notwithstanding clauses to the contrary, open storage in a front yard may be considered in terms of a rail marshalling yard that stores empty rail cars associated with a Rail Loading and Distribution Facility for Compressed Liquid Propane and other Liquid Hydrocarbon Gases including Butane, provided it is not located closer than 485 metres from a residential designation on lands identified on Schedule A as Lands Subject to Official Plan Amendment No. 16, and there are additional site specific setbacks from lot lines, berms and landscaping in addition to appropriately implementing the recommendations of studies deemed necessary by the Township of St. Clair (stormwater, engineered hazard separation distances, risk and safety management, noise, emissions, vibration, traffic, archeological or other studies deemed necessary by the Township of St. Clair). (OPA #16)

#### **Lot Size**

- 13.7** It is the Township's intention to be flexible in lot size requirements for heavy industrial uses, to encourage a wide range of Type Three industrial uses to locate within the Township.

The minimum lot size permitted for Type Three industrial uses will be 2 hectares.

#### **Road Access**

- 13.8** Any proposed development shall have access onto roads capable of supporting the traffic generated by the development.

Developments shall not have access from local or collector roads which funnel traffic through residential areas.

As a condition of development the Township may require that the developer or industry construct service roads or upgrade existing roads to safely accommodate the traffic generated by the development.

**Servicing**

- 13.9** In general new development shall be serviced with individual water supply and waste water treatment services.  
The developer may obtain water from the municipal system if an agreement has been made between the municipality and the developer to provide such service. In this situation, the municipality may require that the industry provide private services, at a future time, at the municipality's request, if the service is needed for other development within the Township of St. Clair.

**Existing Type Three Industrial Uses in close proximity to conflicting land uses**

- 13.10** There are presently some Type Three industrial uses located closer than 1.6 km to a residential designation. For example, the areas are north of Corunna, which now contain the plants of Dupont, Ethyl Corporation and Shell Canada.

The objective of this section is to recognize the uses on these lands, and to incorporate limitations and redevelopment policies appropriate for this situation.

**Policy of Permitted Land Uses**

- 13.10.1** The predominant form of development shall include the Type Three uses excluding scrap yards, metal plating or finishing, and metal casting and molding.

In those areas designated Type Three which are within 150 metres of the St. Clair Parkway or La Salle Road, or are abutting or within 150 metres of residential, institutional or commercial designations, the predominant land uses permitted shall be limited to Type One industrial uses.

**Development Policies**

- 13.10.2** Redevelopment shall take place in accordance with the development policies pertaining to Type Three uses however, development may occur closer than 1.6 km from a residential area.
- 13.10.2** The development policies for Type One uses shall apply to development in a "Type Three Industrial" designation within 150 metres of the St. Clair Parkway or La Salle Road, or in areas abutting or within 150 metres of sensitive lands uses such as lands designated "Residential", "Commercial" or "Open Space" or "Institutional".



## 14 INSTITUTIONAL

### permitted uses

- 14.1 Within the “Institutional” designation, 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 the “Institutional” designation will include ancillary residential and service commercial facilities only.

Institutional uses will include any recognized public, non-profit or charitable organization, elementary and secondary schools, community facilities, places of worship, daycare centres, nursing homes, libraries, and offices and cemeteries. Certain uses operated for profit such as nursing homes or day nurseries may also be considered as institutional uses provided Council is satisfied that the use is compatible with surrounding uses.

### new institutional uses

- 14.2 New 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 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;~~ New Institutional uses should be located in Residential Areas, subject to a Zoning By-law Amendment, to consider the following criteria:
- i. The use can easily be accessed by pedestrians;
  - ii. The use is located on a site that has adequate land area to incorporate required parking, waste management facilities, landscaping and buffering on-site; and
  - iii. The scale, massing and siting of the development is compatible and consistent with development on adjoining lands.
- New Institutional uses may be considered in other designations where the scale and/or nature of proposed institutional uses warrants.
- b) New Institutional uses will generally be encouraged to locate in areas where full municipal services are provided;
- c) New Institutional uses will not impact in an undesirable manner on surrounding Residential Areas, nor generate traffic beyond the capacity of the local road system;
- d) New Institutional uses will be strategically located in relation to the population served.

- e) The development of institutional uses shall conform to the urban design policies in Part D Section 3 of this Plan.
- f) New institutional uses shall be subject to site plan control in accordance with the policies of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where an institutional use adjoins a residential use.
- g) New development should have access to a public road capable of accommodating any increase in traffic flow that may result. Access points should be limited in number and designed to enhance pedestrian safety and safe vehicular movement.

## **15      OPEN SPACE**

The provision of public recreational space and facilities is an important component for the social well being of the residents of the Township of St. Clair. It is the Township of St. Clair's intent to provide opportunities for the creation of public parks and recreational facilities and to work with local service clubs, school boards, local service clubs and public bodies to improve and expand the park system.

Parks and recreation facilities will be provided to meet the general needs and desires of the residents.

### **15.1      General Policies**

#### **categories**

#### **15.1.1      The two major categories of public open space in the Township of St. Clair 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**

#### **15.1.2      Wherever possible, an interconnected open space system will be developed. In the event that transportation or utility corridors are no longer required for such purposes, they should be incorporated into the municipal open space system. The Township of St. Clair 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 Township of St. Clair's open space system with those of neighbouring municipalities.**

#### **neighbourhood parks**

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

#### **community and major parks**

#### **15.1.4      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 the "Open Space" designation.**

**parkland dedication**

**15.1.5** 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 Township of St. Clair:

- a) ~~As a condition of residential development or redevelopment conveyance of land to the Township of St. Clair 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;~~ As a condition of residential development or redevelopment conveyance of land to the Township for park purposes will be required at a rate of 5 per cent of the land proposed for development or 1 hectare per 600 dwelling units or cash-in-lieu provisions to a maximum of 10 per cent of the land or the value of the land if the developable land is five hectares or less in area or 15 per cent of the land or the value of the land if the developable land is greater than five hectares in area);
- b) As a condition of industrial and commercial development or redevelopment, the conveyance of land to the Township of St. Clair for park purposes will be required at a rate of 2 per cent of the land proposed for the development to the Township of St. Clair for park purposes, or cash in lieu thereof.

**cash-in-lieu of parkland**

**15.1.6** 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**

**15.1.7** The Township of St. Clair 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 Township of St. Clair will be in a physical condition satisfactory to the Township of St. Clair considering the anticipated park use. The Township of St. Clair may accept some lands that contribute to linkages between existing parks in the system as part of the dedication at their discretion.

- 15.1.8** The Township of St. Clair 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 Township of St. Clair will attempt to acquire such lands through purchase from the developer ~~or through the use of Bonusing as described in the 'Implementation' policies of this Plan.~~

multiple family developments

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

agreements

- 15.1.10** This Plan encourages the development of agreements between the Township of St. Clair 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

- 15.1.11** 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

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

The use of land designated Open Space Areas shall include active and passive recreational uses, recreational and community facilities, conservation uses, nature trails, marinas, cemeteries and wildlife management. Small scale commercial uses, which are ancillary to and support the permitted Parks and Open Space designation, may also be permitted.

secondary uses

- 15.1.13** 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) Cemeteries including crematoria;
- e) Non-commercial gardening including nurseries;
- f) Botanical gardens;
- g) Zoological parks;
- h) Swimming pools, skating rinks and ponds;
- i) Institutional Uses;
- j) Public Marinas;
- k) Public trail bike racing courses; and
- l) 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**

- 15.1.14** The “Open Space” designation is intended to cover significant areas of parkland and open space. Neighbourhood Parks including parkettes will not generally be designated “Open Space”.

**lands in private ownership**

- 15.1.15** Where any land designated as “Open Space” is under private ownership, the Plan does not intend that this land will necessarily remain as “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 Township of St. Clair or any other public agency.

**conditions of redesignation**

- 15.1.16** Applications for the redesignation to another use of all or part of an existing “Open Space” designation may be permitted by the Township of St. Clair after considering the following:
- a) The existence of any significant or unique natural features and/or environmentally sensitive areas;

- 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.

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

**15.1.18** Proposals to redesignate a golf course for residential use shall only be considered as part of the County of Lambton and Township Municipal Comprehensive Review and shall meet the requirements of Part E of this Plan. Every such proposal to redesignate a golf course for residential use shall require an amendment to this Plan to implement the Municipal Comprehensive Review.

## **15.2 Major Parks**

**15.2.1** Major Parks will be acquired, developed and maintained by the Township of St. Clair as large areas of public open space to serve the entire Township of St. Clair. Major Parks will be subject to all policies pertaining to the “Open Space” designation provided by this Plan.

**15.2.2** 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 Township of St. Clair; and
- d) Be located on or near an Arterial Road or Collector Road wherever possible.

## **15.3 Community Parks**

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

**15.3.2** Community Parks will:

- a) Provide indoor and outdoor recreation facilities serving several residential neighbourhoods within the Township of St. Clair, 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.
- g) Be connected by sidewalks or trails where feasible.

**15.4 Neighbourhood Parks**

**15.4.1** Neighbourhood Parks will generally consist of small children's play facilities at the neighbourhood level and greenbelt 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.



## 16 NATURAL HERITAGE

~~The Township of St. Clair contains areas that are subject to flooding and/or subject to instability due to erosion and excessive slopes. Development in such areas will be prohibited or restricted as it could result in the loss of lives, damage to private and public property and undue financial burdens for the Township of St. Clair. The Township of St. Clair also contains natural areas that could include significant natural features (e.g. wetlands and woodlots) which must be protected with special provisions. Development in these areas will be discouraged. 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.**~~

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

The Township's Natural Heritage System and associated policies are not intended to limit the ability of agricultural uses to continue.

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

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

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

### 16.1 General Policies

#### Natural Heritage System

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

Group A features:

- provincially significant wetlands
- 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, the following shall apply:

- For Group A features, no development or site alteration is permitted, except that in the case of fish habitat and habitat of endangered species or threatened species, development may be permitted in accordance with provincial and federal requirements, and infrastructure may also be permitted in some circumstances in accordance with applicable legislation and regulations:

- For Group B features, development may be permitted if it can be demonstrated through an Environmental Impact Study that no negative impacts on the features or their associated ecological functions will result;
- For Group C features, the policies of this Plan provide general controls on development with the aim of improving the overall health of the natural heritage system including the improvement of linkages within corridors.

The features of the Township's Natural Heritage System are identified on Schedule B, Parts 1-16.

The Natural Heritage System identified on Schedule B , Parts 1-16, or otherwise identified by the policies of this Plan are to be considered as overlays to the designations on Schedule A , Parts 1-16, in this Plan. Despite the designation that lands may have in Schedule A, Parts 1-16, of this Plan, development of lands will be generally directed away from the Natural Heritage System and/or subject to such evaluations or conditions as required by the policies of this Plan and the County Official Plan.

Some natural heritage features are not identified on Schedule B, Parts 1-16, that are otherwise identified by the policies of this Plan. These include natural heritage features that require further work to identify, constitute sensitive information that cannot be displayed, or are too small or numerous to be specifically identified on Schedule B, Parts 1-16.

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

Natural Hazard Areas are areas susceptible to flooding and erosion and are generally located within the Regulation Limit of the Conservation Authority as identified on Appendix B, Parts 1-16.

#### **permitted uses**

- 16.1.1** The use of lands in ~~Hazard and Environmental Protection Areas~~ Natural Heritage System and Natural Hazard Areas will be restricted to agriculture (exclusive of any buildings or structures), conservation, forestry, parks, other passive outdoor recreational uses such as trail 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 defined Wetlands, Areas of Natural or Scientific Interest (ANSI's), and Environmentally Sensitive Areas (ESA's), as identified by the Province, the County, the Township of St. Clair, or the local Conservation Authority.

floodplain policies

~~16.1.2 Development within the “Hazard and Environmental Protection” designation is subject to the policies of this Plan regarding Floodplains and Unstable Land.~~

fill

16.1.3 No alteration to a watercourse and no placing or removal of any fill of any kind whether originating on the site or elsewhere shall be permitted in the ~~“Hazard and Environmental Protection”~~ Natural Heritage System designation unless such action is approved by the Township of St. Clair or, where fill regulations apply, by the local Conservation Authority. In the case of a significant natural feature, such alteration will be consistent with natural heritage policies. The Township of St. Clair may consider implementing a Site Alteration By-law under the authority of the Ontario Municipal Act.

changes to schedules

16.1.4 Minor changes to the boundaries of the ~~“Hazard and Environmental Protection”~~ natural heritage features and areas designation may be permitted without an Official Plan amendment provided that an Environmental Impact Study ~~detailed assessment~~ of the sensitive area ~~and/or hazard~~ has been undertaken to the satisfaction of the Township of St. Clair. ~~In the case of Hazard Lands, the Council must consider the existing environmental hazards and the potential impact of these hazards, and must be satisfied that the hazard has been addressed in a manner consistent with accepted engineering techniques and resource management practices. In the case of Environmentally Sensitive Areas or features, Council will consider the nature and sensitivity of the area or feature and must be satisfied that the impact can be alleviated consistent with sound resource management practices. In either case, the Township of St. Clair will consult with the local Conservation Authority.~~ The Township of St. Clair will consult with the local Conservation Authority and the Province.

private lands

16.1.5 ~~Where any “Hazard and Environmental Protection” designation is under private ownership, the Official Plan does not intend that this land will necessarily remain as “Hazard and Environmental Protection” nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Township of St. Clair or any other public agency.~~

The designation of land as part of the Natural Heritage System in this Plan does not imply:

- a) that those lands are available or open for public use; or
- b) that the Township of St. Clair or any other public agency intends to purchase those lands.

~~An application for redesignation of lands designated “Hazard and Environmental Protection” may be approved by Council after taking into account:~~

- ~~a) the sensitivity of the natural area and/or the existing physical hazards;~~
- ~~b) the potential negative effects of the redesignation on sensitive areas 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 lands designated “Hazard and Environmental Protection”; and~~
- ~~f) the results of an Environmental Evaluation undertaken to assess the potential for development, the potential impacts and mitigation techniques.~~

**redesignation/purchase**

- 16.1.6** There is no public obligation, to redesignate or to purchase any ~~“Hazard and Environmental Protection”~~ lands in the Natural Heritage System and Natural Hazard Areas” designation, particularly if there is a sensitive natural area or an existing or potential hazard that would be difficult or costly to overcome.

**floodlines**

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

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

The Natural Heritage System identified on Schedule B, Parts 1-16, may coincide with hazardous lands, including areas of subject to flooding or erosion, but it is not to be construed as delineating the boundaries of these hazards.

**parkland dedications**

- 16.1.8** Where new development includes lands within a ~~“Hazard and Environmental Protection”~~ Natural Heritage System and Natural Hazard Areas, such lands ~~may~~ shall not ~~necessarily~~ be considered acceptable by Council for dedication to the Township of St. Clair for park purposes. All lands dedicated to the Township of St. Clair for park purposes will be conveyed in a physical condition acceptable to the Township of St. Clair.

**setbacks**

- 16.1.9** ~~Building setbacks will be imposed from the boundaries of Hazard and Environmental Protection Areas in relation to the kind, extent and severity of the existing and potential hazards. Such setbacks will be set out in the implementing Zoning By-law.~~

Building setbacks shall be imposed in accordance with the Natural Heritage policies of this plan, including buffer areas. Setbacks shall be set out in the implementing Zoning By-law.

**land severances**

- 16.1.10** Land severances in ~~Hazard and Environmental Protection Areas~~ Natural Heritage System and Natural Hazard Areas may be permitted in accordance with the Land Division policies of this Plan.

**environmental evaluations**

- ~~**16.1.11** Prior to any major disturbance, including development, occurring in Significant Natural Areas, the preparation of an environmental evaluation may be required at the discretion of the Township of St. Clair, unless a report under the Environmental Assessment Act is prepared for the development.~~

~~An environmental evaluation will assess the following:~~

- ~~a) The sensitivity of the Significant Natural Area or feature that may be impacted by the proposed disturbance;~~

- ~~b) The degree of impact of the proposed disturbance on the Significant Natural Area; and~~
- ~~c) The methods proposed to alleviate such impacts.~~

**16.1.12** The Township of St. Clair 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 Group C features of the Natural Heritage System without demonstration by an Environment Impact Study prepared in accordance with 16.4 of this Plan that there will be no significant negative impacts to the features or their ecological functions. ~~Significant Natural Areas without a satisfactory environmental evaluation.~~

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

Any development or site alteration, including dumping or removal of fill, or alterations to watercourses and natural drainage areas will require a written permission through the Conservation Authority.

designation boundaries approximate

**16.1.13** The boundaries of the ~~Hazard and Environmental Protection Areas~~ Natural Heritage System and Natural Hazard Areas designation is approximate and will be used to guide the preparation of the Zoning By-law provisions which will implement the policies of this Plan. ~~As detailed mapping of Hazard and Environmental Protection lands and/or features becomes available, the local Conservation Authority and the Province will be consulted, and the Official Plan and Implementing Zoning By-law, will be amended as required. The Zoning By-law will establish more precise boundaries of the "Hazard and Environmental Protection" designation, and building setbacks appropriate to the degree of hazard and environmental sensitivity.~~ As detailed mapping of Natural Hazards, the Natural Heritage System and/or its features becomes available the Conservation Authority and the Province will be consulted. Where there is an approved Environmental Impact Study prepared in accordance with the policies of this Plan or an approved natural hazard assessment an update of this Plan will be made through an office consolidation without amendment to the Plan, otherwise the Plan will be amended as required. Wherever designation boundaries of the Natural Heritage and Natural Hazard Areas are amended in this Plan, the implementing Zoning By-law will be amended as required.

zoning

- 16.1.14 The ~~“Hazard and Environmental Protection”~~ Group A and Group B features of the Natural Heritage System and Natural Hazard Areas designation will be zoned in a separate category in the implementing Zoning By-law.

## 16.2 Significant Natural Areas

- 16.2.1 The Township of St. Clair will designate Significant Natural Areas as ~~‘Environmental Protection’~~, Natural Heritage System according to their identification in this Plan as Group A features, Group B features, or Group C features 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.~~

### Provincially significant features and environmental evaluations

- 16.2.2 ~~Development or site alteration is not permitted in Provincially Significant Wetlands or in Significant Portions of the Habitat of Threatened and Endangered Species. Development proposed adjacent to these areas, or within or adjacent to other Significant Natural Areas must be accompanied by an Environmental Evaluation, as defined in this Plan. The Evaluation will assess the scale of development, the sensitivity of the feature, and the functions for which the Significant Natural Area was identified.~~

Significant Natural Areas shall include features and boundaries that are identified or evaluated as further studies or evaluations are completed subsequent to the adoption of this Plan, including features that have not been comprehensively assessed on a County-wide level such as significant valleylands, habitat of endangered species and threatened species, and significant wildlife habitat. This Plan will reflect the most up-to-date information when adopted and when formally reviewed under Section 26 of the *Planning Act*.

- 16.2.2.1 The Township will designate provincially and locally significant wetlands, including coastal wetlands in this Plan as identified and delineated by the Ontario Wetland Evaluation System (OWES).
- 16.2.2.2 The Township will identify significant woodlands in this Plan and its zoning by-law using the criteria and mapping contained in the draft County of Lambton Natural Heritage Study (2014).



**16.2.2.3** Endangered species and threatened species and their habitat are protected by the *Endangered Species Act, 2007*. Delineations of these areas represent sensitive information and the Species at Risk in Ontario List is subject to change. These areas therefore are not shown on Schedule B, Parts 1-16, of this Plan and will include areas not specifically designated as natural heritage features in this Plan and/or areas not known by the County or Township to be habitat of endangered species or threatened species. Where there is reason to believe that proposed development will be located in or adjacent to the habitat of endangered species or threatened species, the proponent will be notified of the requirement to ensure their due diligence under the *Endangered Species Act, 2007*, which should include consulting with the Province regarding the need for further investigations.

**16.2.2.4** Fish habitat is not specifically designated on Schedule B, Parts 1-16, in this Plan. Development within 120 metres of surface water features (excluding off-stream, man-made ponds) will be directed to the province for screening for fish habitat. Fish habitat will be protected from harmful alteration, disruption or destruction unless authorized under the *Fisheries Act*. In all cases, the guiding principle of no net loss of productive capacity will be utilized.

**16.2.2.5** Significant valley lands are not specifically designated on Schedule B, Parts 1-16, in this Plan. For purposes of identification, they are lands having a slope of 10 percent of more over a sustained area.

**16.2.2.6** Significant wildlife habitat is not specifically designated on Schedule B, Parts 1-16, in this Plan, but may be coincident with other significant natural areas identified by this Plan. Specific wildlife habitats of concern may include areas where species concentrate at vulnerable times in their annual or life cycle or areas which are important to a species' migration or wintering. The Province of Ontario's Significant Wildlife Habitat Technical Guide shall be used to identify and determine significant wildlife habitat on a site-specific basis when development or site alteration requires an environmental impact study.

**other natural features**

**16.2.3** It is recognized that there will be natural features located both within and outside the areas designated as ~~Environmental Protection~~ part of the Natural Heritage System that may be important elements of the Township of St. Clair's natural heritage. To protect these, the Township of St. Clair 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, Except where the policies of this Plan are more definitive as to what is required,~~ the Township will encourage development proponents to conserve and enhance these features as part of the development approval process.

**municipal activities**

- 16.2.4** The Township of St. Clair 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**

- 16.2.5** Development along watercourses will be planned such that harmful alteration, disruption and destruction of fish habitat is avoided. The following principles will apply to any development that borders a watercourse in the Township of St. Clair:

- 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 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**

- 16.2.6** In order to maintain a healthy stock of mature trees, the Township of St. Clair 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 Township of St. Clair will encourage the introduction of new tree plantings as one component of the development approval process.

The Township of St. Clair will require the use of native trees and, to a lesser extent shrubs, wherever practical in connection with landscaping plans, site plan approvals, subdivision agreements, wind breaks and reforestations done in connection with

permits to remove trees issued by the County of Lambton. The Township will also use indigenous species for municipal lands and parks and as part of any municipal plantings within public road allowances.

**woodlot management**

- 16.2.7** In accordance with the ~~Lambton County Tree By-law~~ 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 ~~"Hazard and Environmental Protection"~~ Natural Heritage System and Natural Hazard Areas 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 ~~Lambton County Tree By-law~~ County of Lambton Woodlands Conservation By-law.

**legislative measures**

- 16.2.8** To encourage woodlot protection, the Township of St. Clair may consider implementing relevant sections of the Forestry Act, ~~the Woodlands Improvement Act~~, the Municipal Act and any other relevant legislation.

**tree saving plans**

- 16.2.9** Development proponents within or adjacent to wooded areas will be required to submit a Tree ~~Saving Plan~~ Inventory and Preservation Plan, satisfactory to the Township of St. Clair as a condition of approval. The Tree ~~Saving Plan~~ Inventory and Preservation 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 Evaluation if the wooded area is part of a Significant Woodland. Significant Woodlands are those forested areas which are designated Environmental Protection in a Primary corridor or Significant Natural Area, or any contiguous forested area that is 4 hectares, or greater in size.~~ incorporate the requirements of an Environmental Impact Study if the wooded area is part of a Significant Woodland, as defined in the County of Lambton Official Plan.

**natural corridors**

- 16.2.10** ~~The linking of significant natural areas through a comprehensive system of natural corridors will be encouraged. 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.~~

Improving linkages within the Natural Heritage System through a comprehensive system of primary corridors and linkage features will be encouraged. Stewardship initiatives and compatible land uses will be encouraged in an effort to restore areas of vegetation gaps and woodland openings within these natural corridors. Any reforestation required under the County of Lambton Woodlands Conservation By-law or a Tree Inventory and Preservation Plan should maintain and enhance existing corridors where practical.

**16.3 Natural Hazards**

Major watercourses, corresponding flood plains and valley systems with significant slopes represent constraints to development. ~~The following policies will apply to development within and adjacent to flood plains and adjacent to significant slopes.~~ The following policies apply to development and site alteration within those areas of the Township of St. Clair that are susceptible to flooding and erosion, and more generally to any location where such conditions as described in this section exist. Such natural hazards are generally located in Conservation Authority regulated areas identified as "Areas Affected by Regulation" in Appendix B, Parts 1-16.

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

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

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

### 16.3.1 GENERAL POLICIES

#### 16.3.1.1 New development in the Township of St. Clair will generally be directed away from areas with known or suspected natural hazards, which include:

- a) flooding and erosion hazards related to rivers and streams;
- b) hazardous sites related to organic soils;
- c) high water table areas and groundwater recharge areas; and
- d) hazardous forest types for wildland fires.

#### 16.3.1.2 The Township of St. Clair may permit development and site alteration to occur on natural hazard lands and associated sites, except within a floodway (unless in a special policy area), if all the following can be achieved:

- a) all policies are met with respect to any coincidental natural heritage features;
- b) hazards can be safely addressed and development and site alteration is carried out in accordance with floodproofing, protection, and access standards and procedures such as those related to coastal and geotechnical engineering practices;
- c) new hazards are not created and existing hazards are not aggravated;
- d) no adverse environmental impacts will result;

- e) vehicle and pedestrian access is available during times of flooding, erosion, and other emergencies (unless the site access is appropriate for the nature of development); and
- f) the proposed use is not an institutional use, essential emergency services, or operations related to the disposal, manufacture, treatment or storage of hazardous substances.

**16.3.1.3** The Township of St. Clair will prepare appropriate zoning provisions for natural hazard lands that:

- a) prohibit uses other than agriculture, conservation, forestry and wildlife management;
- b) prohibit buildings or structures except where they are intended for flood or erosion control or are normally associated with protection works, bank stabilization projects, transmission or distribution pipelines approved by the National Energy Board or Ontario Energy Board, or electricity transmission and distribution systems; and,
- c) impose development setbacks in relation to the severity of existing and potential environmental hazards.

**16.3.1.4** For any development or site alteration proposed within Conservation Authority regulated areas, the proponent must obtain written permission from the Conservation Authority before the Township of St. Clair will issue a building permit.

**16.3.1.5** Where an existing legal non-conforming or non-complying building or structure lying within all or part of hazard lands is destroyed in a manner not related to the inherent environmental hazards of the land, the Township of St. Clair shall permit the building or structure to be rebuilt only if the Conservation Authority having jurisdiction permits the reconstruction.

**16.3.42 FLOOD PLAIN POLICIES**

**regulatory flood standard**

**16.3.42.1** The Regulatory Flood Standard for the Township of St. Clair is based upon the Hurricane Hazel storm centred event which occurred in 1954.

**one zone concept**

**16.3.42.2** The flood plain for major watercourses exhibiting valley topography is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will be determined in consultation with the local Conservation Authority. Permitted uses, development and site alteration are subject to the policies of 16.3.1 in this Plan.

All buildings and structures will be prohibited except for:

- a) those necessary for flood or erosion control;
- b) those necessary for conservation purposes;
- c) minor buildings such as rain shelters; and
- d) those structures that comprise a portion of a recreation pathway; or those permitted through the specific policies elsewhere in this Section .

All such development below the regulatory flood line will require a ~~"Fill, Construction and Alteration to Waterways"~~ Development, Inference with Wetlands and Alterations to Shorelines and Watercourses permit from the local Conservation Authority.

**two zone concept**

- 16.3.42.3** Floodplain lands that do not fall within the boundaries of the ~~'Environmental Protection'~~ Natural Heritage System and Natural Hazard Areas designation are subject to the policies (which correspond with the Two Zone Concept) outlined within specific land use designations. These policies outline floodproofing requirements for lands within the flood fringe area. These areas are generally contained within "Constraint" designations.

**absence of engineered floodlines**

- 16.3.42.4** The preparation of engineering reports to determine the extent of the floodplain may be required in areas where no engineered flood lines exist. The cost of required reports will be borne by the development proponent.

**existing development in the floodplain**

- 16.3.42.5** Any redevelopment or expansion of existing development within the flood plain must be in conformity with the policies of this Plan and the policies of the local Conservation Authority. All such development below regulatory flood lines will require a permit from the local Conservation Authority.

**16.3.23 UNSTABLE LAND**

**setbacks from slopes**

- 16.3.23.1** Development adjacent to steep slopes or watercourse valleys 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 Township of St. Clair 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

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

#### **16.4 ENVIRONMENTAL IMPACT STUDIES**

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

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

#### **16.4.3**

- a) An EIS shall be required for development on lands adjacent to significant natural areas identified in the policies of Section 5.0 of this Plan. The lands defined as Adjacent Lands are generally within 120 metres of the feature, unless an alternative standard for Adjacent Lands is established through the County of Lambton Official Plan.
- b) The extent of Adjacent Lands where an EIS is required may be reduced on a site-specific basis, based on the nature of the features, the existing conditions of the site and surrounding lands, the scale of the proposed development, and the likelihood of negative impacts the natural heritage features.
- c) An EIS may be required for development within or adjacent to Group C features identified on Map 1 of the County of Lambton Official Plan, as determined by the Town in consultation with the Conservation Authority.



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- 16.4.4** An EIS shall be completed in accordance with the process requirements as outlined in the County of Lambton Official Plan.
- 16.4.5** The required scope and/or content of an EIS may be modified, through pre-consultation with the Township, County, and the Conservation Authority where the environmental impacts of a development application are thought to be limited, or if other environmental studies fulfilling some or all requirements of an EIS have been accepted by the Township and County.
- 16.4.6** An EIS may not be required where the Township, in consultation with the County and the Conservation Authority, determines that no negative impacts would be anticipated on the natural heritage feature or adjacent lands. The requirements for an EIS may be reduced or removed in the following circumstances and only where no negative impact is anticipated:
- a) Where the proposed development is small scale (non-agricultural development); or
  - b) Where the proposed development is small or medium scale (agricultural development only); or
  - c) Where the proposed development is not in an area regulated by the Conservation Authority; or
  - d) Where the proposed development is on an existing lot of record; or
  - e) Where the development is an addition located away from the feature; or
  - f) Where the proposed development is separated from the feature by a road or existing development; or
  - g) Where the development is wholly contained within the existing footprint or includes a minor addition that is > 15m from the feature.
- 16.4.7** An EIS is not required for uses authorised under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation or a watershed plan carried out by The County of Lambton and/or a Conservation Authority.
- 16.4.8** Where it is demonstrated that all, or a portion of, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest or Group C features identified on Map 1 of the County of Lambton Official Plan does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the natural heritage feature or adjacent land then the restrictions on development and site alteration set out do not apply. This policy requires an EIS or study through an Environmental Assessment process to determine whether the designation is still appropriate.
- 16.4.9** The Township, in coordination with The County of Lambton and in consultation with the Conservation Authority, may develop guidelines for the evaluation of development proposals consistent with the policies of this Plan.

**16.4.10 Tree and Woodland Protection**

- a) The Township recognizes the importance of trees and woodlands to the health and quality of life in our community. The Township shall encourage sustainable forestry practices and the protection and restoration of trees and forests.
- b) Opportunities for tree planting on Township-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 Township shall plant only indigenous species, preferably those of local origin.
- c) Where the Township 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 Township shall endeavour to compensate by re-planting on site and/or planting trees elsewhere. Should the removal/destruction of any trees that are listed as threatened or endangered species be required to complete infrastructure works, the Township will contact the appropriate Provincial authority to determine the necessary approvals and mitigation.

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

**17 CANNABIS**

**17.1 Cannabis Production Facility:** means any indoor building structure, or lands licensed by, Health Canada to undertake cultivation, processing, sale, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the *Cannabis Act*, or successor legislation. A cannabis production facility excludes the outdoor cultivation and processing of cannabis. Medical Marihuana policies are governed by Section 10.4.5 of this Plan.

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

- a) Agricultural
- b) Type Two Industrial
- c) Type Three Industrial

Cannabis production facilities within all other land use designations, except the Agricultural Area in accordance with Policy 17.3 and 17.4, are prohibited.

**17.3 Within the land use designations specified in Section 17.2 b) and c) of this Plan, a cannabis production facility shall require a rezoning application and a Site Plan application to be approved by Council. Both the rezoning application and Site Plan shall address the following:**

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

**17.4** For lands designated "Agricultural Area" a cannabis production facility may be permitted in a building and shall require a rezoning application and a Site Plan application to be approved by Council. Both the rezoning application and the Site Plan application shall address the following:

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

**17.5** A cannabis production facility is defined as an indoor facility in accordance with Policy 17.1 of this 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. Outdoor cultivation and processing may be considered only in the Agricultural Area and no other land use designation. Applications for outdoor cultivation and processing shall address the requirements of Policy 17.5 of this Plan."

## **18** USES PERMITTED IN ALL DESIGNATIONS

### **1** Day Care Centres

- a) Day Care Centres shall be permitted on all school sites.
- b) Day Care Centres shall be permitted within a Place of Worship or other place of public assembly, a commercial place of employment, a community centre, all residential designations, institutional designations, and subject to provincial licensing policies.

- c) Day Care Centres in an industrial place of employment shall not be permitted as a stand-alone use.
- d) Day Care Centres shall be designed to provide appropriate facilities for parking, pick-up and drop-off areas. Appropriately located and screened play areas shall be provided.
- e) Day Care Centres should not be located in lands identified as Natural Hazard and/or Category A Natural Heritage Features unless an Environmental Impact Study establishes the appropriate location for the Day Care Centre on the proposed site.

## PART C

### MUNICIPAL SERVICES & UTILITIES

SECTION 1	Transportation
SECTION 2	Public Uses & Utilities
SECTION 3	Municipal Services, Stormwater Management, and Sensitive Uses

## **1 TRANSPORTATION**

It is the policy of the Township of St. Clair 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.

This section deals with public and private transportation facilities, and municipal and private services.

The objective of this section is to provide a clear statement of where services are available, the standards that apply, and guidelines for future services, in order to ensure that needed services are provided without generating undue municipal financial burdens, and that the best value for services investment is obtained.

### **1.1 Roads**

#### **1.1.1 Introduction**

The road pattern of the Township is organized in a hierarchy that is shown on the attached Schedules.

The objectives of this section are to indicate the hierarchy, provide policies related to development along roadways, indicate certain basic standards for new municipal road development that are intended to foster an efficient and effective vehicular transportation system.

#### **1.1.2 Provincial Highway**

Highway 40 is a controlled access highway which runs north-south through the industrial area. It serves as a connection between Sarnia (Highway 402), Wallaceburg and Chatham (Highway 401). One of its main functions is to serve industrial users in the Chemical Valley.

The Province, through the Ministry of Transportation, has jurisdiction over this roadway. No new public road access or new direct access to abutting property will be permitted.

For site specific land use or lot creation proposals directly adjacent to or near the provincial highway system, the availability of MTO permits (access, building, land use, and signs) under the Public Transportation and Highways Improvement Act is an important aspect of the development approval process under the Planning Act. The MTO permits are issued at the sole discretion of the Minister and the Ontario ~~Municipal Board~~ [Land Tribunal](#) has no jurisdiction with regard to the issuance of the required MTO permits.

Applications for site specific land use proposals should be forwarded to the Ministry of Transportation where proposals are located within 400 metres of the highway or where proposals are a major traffic generator and are located within 800 metres of the highway.

### **1.1.3 County Roads**

#### **Access**

Direct access to County Roads in urban areas is discouraged for new subdivisions. However, there are instances in the urban, rural and industrial areas where direct access is necessary and desirable.

Access permission, except in connecting link areas, for new or revised accesses should be obtained from the Lambton County Roads Engineer, particularly where a culvert, bridge, river or modification to a roadside drain is required.

#### **Right-of-Way Width and Road Dedication**

The standard for County Road allowance width is 30 metres. Where a road allowance is less than 30 metres, the County may require, as a condition of subdivision or consent, the dedication of additional lands. Where site plan approval is required under the Planning Act, dedication of additional lands for road widening purposes may be required for those County Roads identified in this Plan

The general practice of the County is to require no more than one-half of the deficiency to be made up from either side of the road. Where topographical features necessitate a larger widening on one side, Council shall request up to a maximum of 50 percent of the total required widening. The excess widening required shall be acquired through other means.

#### **Setback Control**

The County regulates setbacks for development along County Roads through a by-law passed under the authority of the Highway Traffic Act. To avoid confusion and conflict between the County and the Township, the Zoning By-law shall not establish a setback from a County road that is less than the setback required by the current relevant County by-law.

#### **1.1.4 Township Roads**

##### **Introduction**

The balance of the public road network in the Township fall under municipal jurisdiction, and are classed as arterial, collector or local roads on the Roads Plan.

##### **Arterial Roads**

Arterial roads are designed and intended to provide quick inter-area movement of traffic on two or more lands. Arterial roads also serve as the roads serving commercial areas in Brigden and (as County Roads) Corunna, and Courtright. This subsection shall also apply to connecting link portions of County Roads, which are under municipal jurisdiction. Generally, direct access, except in commercial areas, will be discouraged where feasible.

##### **Collector Roads**

Collector Roads are intended to connect local roads to arterial roads, and to provide access to abutting properties. These roads carry low to moderate traffic volumes.

##### **St. Clair Parkway**

The St. Clair Parkway, which runs along the St. Clair River, is an integral part of the St. Clair Parkway Commission area. The St. Clair Parkway Commission was created by special legislation. While the Commission has no regulatory powers, its mandate is to develop or manage a network of recreational facilities and parks along the St. Clair shoreline from Sarnia to Chatham, and to assist municipalities by advising on development of the balance of the parkway.

Parks, trails and green-space located along the St. Clair Parkway contribute to the scenic and recreational attributes of the riverfront. Opportunities will be provided whenever possible to enhance the scenic and recreational amenities of the waterfront.

Opportunities will be contributed to the St. Clair River Trail where possible in the enhancement of the trail development.

Waterfront development will occur in a manner that recognizes the environmental constraints of the riverfront, while allowing its use and enjoyment.

Opportunities to incorporate recreational and tourism related pathways with potential to connecting municipalities, both within Lambton County and the State of Michigan will be encouraged.



Opportunities to improve the water quality, reduce erosion and increase the amount of indigenous vegetation species will be encouraged.

Development which is consistent with the St. Clair Parkway and the Natural Heritage policies.

Waterfront industrial development will be considered in a manner which will not create conflicts with other uses. The siting and design of buildings and structures and the landscape treatment of sites will complement the aesthetics and natural setting of the riverfront and should incorporate naturalizing techniques.

### **St. Clair Parkway Master Plan**

The Parkway Commission has, and periodically updates, the St. Clair Parkway Master Plan. While the Master Plan has no regulatory authority, it will be used by the Township as a guideline document for development and land use along the Parkway. The Township has included special provisions in this Plan relating to the preservation and enhancement of the Parkway concept. The Zoning By-law may also include special provisions relating to development along the Parkway.

### **Local Roads**

Local roads are primarily intended to provide access to abutting properties. Local road patterns in new developments or plans of subdivision should discourage through traffic on local roads, and connect to collectors or arterials.

### **Right-of-Way Widths and Road Dedications**

Road allowance width standards for Township Roads are as follows:

	<b>Road Classification</b>	<b>Road Allowance Width (minimum)</b>
	Arterial	30 metres
Mod A-3	Collector - St. Clair Parkway	30 metres
	- other collectors	20 metres
	Local	20 metres

Where a road allowance has less than the minimum standard width, the Township may require, as a condition of subdivision or consent, the dedication of additional lands. Where site plan approval is required under the Planning Act, dedication of additional lands for road widening purposes may be required for those roads.

The general practice of the Township is to require no more than one-half the deficiency to be made up from either side of the road measured from the centre line of the road. Where topographical features necessitate a larger widening on one side,

Council shall request up to a maximum of 50 percent of the total required widening. The excess widening required shall be acquired through other means.

New roads shall meet the minimum standards unless the Municipality is satisfied that a lesser width, as a design standard maintains the public interest and the intent of this plan.

### **Private Roads**

Private roads are defined as vehicular paths or roadways not owned or maintained by the Township, County, Provincial or Federal Governments that provide access to properties that do not abut a public road. This definition does not include roads shown on a plan of condominium.

Development requiring private road access, with the single exception of Stag Island, is not permitted. Subdivision, severance or redevelopment of lots served only by a private road is not permitted, except for renovation of existing development that does not increase access demand for an existing private road. Consent for lot consolidation or boundary adjustments is permitted, provided no additional lots without public road frontage are created.

### **Industrial Roads**

Where an industrial use is proposed that will generate vehicular traffic that cannot be supported by existing roads or will require the addition of travel lanes, turning lanes or stoplights, the Township may seek or require the industry or developer to assist in financing or installing the necessary road improvements or upgrading.

#### **1.1.5 General Road Policies**

##### **land acquisition for roads purposes**

- 1.1.5.1** As a condition to the approval of a plan of subdivision or land severance, the Township of St. Clair 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**

- 1.1.5.2** Road widening, as a condition to the approval of new development, may be required in accordance with the Site Plan Control [and consent](#) policies of this Plan.
- 1.1.5.3** 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 Township

of St. Clair must be satisfied as to the adequacy of the private road to accommodate anticipated traffic.

- 1.1.5.4** Land will be conveyed at no expense to the Township of St. Clair 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.
- 1.1.5.5** 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.
- 1.1.5.6** 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.
- 1.1.5.7** Landscaping and other techniques that minimize the visual and noise impacts from roadways on adjacent residential development or in the immediate vicinity of existing or proposed arterial roads.
- 1.1.5.8** New large scale development proposals that may generate significant traffic volumes may require a transportation study to assess the impacts on the road network and the local land uses.
- 1.1.5.9** Proposed development adjacent to and in the vicinity of a Provincial Highway within the Ontario Ministry of Transportation permit control area will be subject to review and a permit by MTO. Early consultation with MTO is encouraged by development proponents.

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

#### **1.1.5.10 Heritage Roads**

The Township should identify, conserve and manage heritage roads and associated features where such roads exhibit one or more of the following:

- i) Indigenous history;
- ii) Historical association with a theme of human history (Indigenous or European) that is representative of the development and use of land in the Township;

- iii) Historical associations with the life or activities of a person, group, or organization that has made significant contribution to the community, province, or nation;
- iv) Scenic routes with a sense of position or place.

Heritage roads should be conserved and protected by the appropriate road authority and should endeavour to protect:

- i) Existing road surface widths where they contribute to the heritage character of the road;
- ii) Existing trees and tree lines within the road allowance;
- iii) Other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fence lines;
- iv) Transportation related heritage features where they contribute to the specific to the special character of the road.

### 1.1.6 Use of Road Allowances

#### **municipal services**

- a) Services provided by the municipality shall be permitted in all road rights-of-way.

#### **public utilities**

- b) Public Utilities which serve abutting owners may be located in road rights-of-way where reasonably practicable. If an existing road right-of-way width is less than the minimum right-of-way width identified by this Plan, the utility proposing to locate services may be required to acquire (or pay the cost of acquisition by the municipality) of the additional land required to meet the minimum right-of-way standard.

#### **other public services**

- c) Electrical power transmission lines and pipelines for the transmission of oil, gas, brine or other liquid products of the oil and gas industry shall be permitted to cross but shall not otherwise be located within any road right-of-way. The preferred location for transmission lines and related works is a multi-use easement corridor. Where it is determined (for environmental or other reasons) that a transmission line route should be located upon a particular road right-of-way, the proponent shall be required to acquire (or pay the cost of acquiring) sufficient land for the widening of the road allowance beyond the minimum standards of this Plan to accommodate the transmission line.

#### **relocation of services**

- d) The primary function of all road rights-of-way is to serve the transportation system needs of the municipality. The secondary function of all road rights-of-way is to provide for the distribution of municipal services and utilities to

inhabitants of the municipality. Where a road right-of-way is used for any other purpose (such as the provision of other public services or transmission lines), such use shall be at the risk and expense of the proponent. The municipality may direct the location or relocation of any fixture or thing (system, transmission line, etc.) in the road right-of-way. All expenses associated with the construction, relocation or removal of any fixture or thing maintained in a road right-of-way shall be borne by the owner of the thing.

## **1.2 Rail Facilities**

- 1.2.1** The Township of St. Clair will work with the Federal and Provincial Governments and railway companies to reduce the number of at-grade rail/road intersections, and will encourage new spurs in industrial areas.

- 1.2.2** Noise, vibration, and safety issues will be addressed for new land uses adjacent to railway lines. Development applications under the Planning Act, for lands within 120 metres of a rail line, will be circulated to the affected rail company for comments with regard to the appropriate noise, vibration and impact mitigation measures. The Township of St. Clair will require appropriate measures to mitigate any identified adverse effects.

- 1.2.3** There are two railway systems operating within the Township; the Canadian National Railway and the CSX railways. Both are freight lines primarily serving industries in the Chemical Valley.

The operation of a rail line creates conflict with certain land uses, primarily residential. Nuisance to adjoining development may occur because of noise, vibration and lights. Other disturbances may arise from normal maintenance work on the line, derailments, or more dramatic incidents or accidents. These situations, which are naturally to be expected for the most part, are undesirable in residential or recreational areas in particular, and impact should be mitigated or reduced.

Railways also have concerns relating to adjacent development. Security from trespass, incompatible land uses, or development that could hamper rail operations is of concern.

The objective of this policy is to incorporate standards for development and uses adjacent to existing rail lines that minimize undesired impacts. The sound levels are based on standards developed by the Ministry of the Environment.

- 1.2.4** Amendment Required

Existing rail lines are shown on Schedule "A". The construction of new rail lines in or within 0.5 kilometres of an urban area, residential designation, or the St. Clair River shall require an amendment to this Plan.

#### **1.2.5 Sound Levels**

Acceptable sound level maximums for residential areas adjacent to rail lines, based on sound generated by the rail line, measured at the dwelling site are:

Bedrooms, sleeping quarters - night time (11 p.m. - 7 a.m.)      limit 40 dBA Leq.

Living Rooms - day time (7 a.m. - 11 p.m.)      limit 45 dBA Leq.

Outdoor Recreation Areas - day time (7 a.m. - 11 p.m.)      limit 55 dBA Leq.

Outdoor Areas - night time (11 p.m. - 7 a.m.) limit 50 dBA Leq.

#### **1.2.6 Abandoned rail line corridors will be preserved for future transportation, utility or recreation purposes.**

#### **1.2.7 The protection of abandoned railway right-of-ways for other uses are encouraged. Dissolving existing right-of-ways by conveying the land to abutting owners is discouraged. The protection of rail rights-of-ways would ensure the availability of the linkages should rail transportation become important in the future, where land use compatibility is possible, or provide for rail to trail recreational corridors and utility links.**

### **1.3 Parking Facilities**

#### **Minimum standards**

#### **1.3.1 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**

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

**accessible to handicapped**

- 1.3.3** The Township of St. Clair will ensure the development of off-street parking facilities, whether public or private, in such a manner as to be accessible to handicapped persons.

**parking provided on same lot**

- 1.3.4** 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. [Off-street parking lots shall be satisfactorily screened and landscaped to minimize or mitigate any adverse effects on surrounding uses.](#)

**cash in lieu**

- 1.3.5** The Township of St. Clair 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 (eg. shared parking in plazas).
  - c) [Cash-in-lieu of parking is not required for exclusively internal renovations to a property designated under Part IV of the Ontario Heritage Act or to a character defining property designated under Part V of the Ontario Heritage Act. Relief with respect to parking may be required through a Planning Application.](#)

**1.4 Trails****sidewalks and walkways**

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

- 
- 1.4.2** Sidewalks will generally be provided within Urban Residential and Central 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.
- 1.4.3** 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.
- 1.4.4** Pedestrian walkways and sidewalks will be provided within residential subdivisions to minimize walking distances between dwellings and schools, parks, and local commercial uses.
- 1.4.5** Sidewalks will be separated from road pavement by boulevards in all new residential subdivisions, wherever possible.  
**bicycle ways**
- 1.4.6** Bicycle ways within parks and between residential areas and schools, parks and commercial facilities will be provided wherever feasible.
- 1.4.7** Bicycle rights-of-way along Arterial Roads may be provided wherever sufficient volumes of bicycle traffic are in evidence, wherever feasible.
- 1.4.8** 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 Township of St. Clair will promote and initiate improvements to enhance bicycling as a means of transportation.  
**bicycle master plan**
- 1.4.9** Where appropriate, the Township of St. Clair will prepare and implement 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.
- Consideration will be given to the potential for linking the Township of St. Clair's bicycle routes with those of neighbouring municipalities.
- 1.4.10** 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 bicycles with road system**



- 1.4.11** The Township of St. Clair 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 Township of St. Clair. The Township of St. Clair 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 Township of St. Clair. 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 Township of St. Clair 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 and rail signalized crossings.

**separation of pedestrian and bicycle networks**

- 1.4.12** Wherever possible within the open space system, bicycle and pedestrian networks will be separated from each other by distinct grade changes, landscaping or berming. The Township of St. Clair will promote the use of appropriate signage, symbols or distinct surface treatments to distinguish the different networks.

**lead by example**

- 1.4.13** Where appropriate, the Township of St. Clair will 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.

- 1.4.14** Provision of bicycle parking in public and private sector projects should be provided.

- 1.4.15** The Township supports the development of an integrated trail system through the following means:

- a) Working with the County of Lambton to review the potential of connecting natural heritage features where appropriate and more broadly links within settlement areas;
- b) Reviewing development proposals in partnership with the County of Lambton to identify opportunities for trail development. Land dedication for trail purposes may be a requirement of development approval.

- c) Preparation of an active transportation master plan including trails master planning.

## **2 PUBLIC USES AND UTILITIES**

### **2.1 General Policies**

Except as provided for in Section 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) water supply, sewage treatment, storm 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.

### **2.2 Restrictions on Public Uses**

#### **compatibility with residential areas**

- 2.2.1** In Residential Areas the public services and facilities listed in Section 2.1 will be designed and constructed so that they are compatible with the surrounding residential area.

#### **agricultural land**

- 2.2.2** Where public services and facilities are proposed on high capability agricultural land (Canada Land Inventory Class 1 to 3), the need must be documented, as must the reasons why lower capability or marginal land cannot be used.

[Consents for new utility corridors should not fragment agricultural land parcels.](#)

#### **significant natural areas**

- 2.2.3** The public services and facilities listed in Section 2.1 will be prohibited in significant natural areas unless they are authorized under an environmental assessment process, or subject to the Drainage Act.

Where woodlot locations cannot be avoided, tree cover removed will be replaced with twice the area of tree cover that is removed at a location specified by affected landowner. The Township will work with the County to ensure an appropriate location is selected.

The environmental policies of this Plan shall apply to the design, construction, site restoration and maintenance of public utilities.

## **2.3 Railways**

This section outlines the Township of St. Clair's requirements for development in proximity of railways and coordination with railway companies.

- 2.3.1** The Municipality will work with the Federal and Provincial Governments and railway company to reduce the number of at-grade rail/road intersections and will encourage new spurs in industrial areas.
- 2.3.2** Sensitive land uses should be prohibited within 300 metres of a rail yard.
- 2.3.3** New residential development adjacent to rail lines, shall include a 30 metre setback from the border of the rail right-of-way. Included in this setback shall be an earth berm with a minimum height of 2.5 metres.
- 2.3.4** All proposed development within 300 metres of a railway corridor may be required to undertake noise studies, to the satisfaction of the Municipality and the County in consultation with the appropriate railway and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. The impact of railway noise may be mitigated by setbacks, alternate ventilation, intervening structures such as berms or acoustical fences and construction methods.
- 2.3.5** All proposed development within 75 metres of a railway right-of-way may be subject to vibration studies, completed to the satisfaction of the Municipality in consultation with the railway authority and the County, and shall undertake appropriate mitigation measures. The effect of vibration may be mitigated by setbacks and construction methods.
- 2.3.6** All proposed development adjacent to railways shall incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Municipality in consultation with the railway authority.
- 2.3.7** Abandoned rail line corridors will be preserved for future transportation, utility or recreation purposes. Dissolving an existing right-of-way by conveying the land to abutting owners is discouraged.

- 2.3.8** The Township will work with the County of Lambton and adjoining municipalities to evaluate the potential for use of abandoned rail corridors as potential recreational trails. The Township shall ensure that consultation with stakeholders, the broader community and applicable utility organizations shall be undertaken in assessing abandoned rail corridors.

**2.4** **Gas Pipelines**

Applications under the Planning Act shall consider implications to pipelines. The Township shall consult with the appropriate pipeline provider on applications incorporating the National Energy Board and Canadian Standard Association requirements. No permanent building should be on or within 7m of a pipeline right of way.

Proponents of any development within 200 metres of a pipeline right of way shall be encouraged to consult with the operator. Pipeline operators will be circulated applications within 200 metres of a known pipeline right of way.

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

Infrastructure is important in achieving a number of priorities for the Township.

Infrastructure policies will ensure that the Township:

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

#### **3.1 Sanitary Sewerage**

This section outlines the Township of St. Clair's requirements for sanitary sewage collection, treatment and disposal systems.

##### **3.1.1 Policies**

**municipal service area**

- 3.1.1.1** All development within the sewer service area will be serviced by sewer facilities. When development is proposed in the sewer service area and the necessary lines are not yet installed, the developer will be responsible for the provision of necessary extensions. The Township of St. Clair will pass a By-law pursuant to the Municipal Act defining areas where sewer system connections are mandatory.

**special industrial servicing**

- 3.1.1.2** Industrial Areas within the sewer service area may, at the discretion of the Township of St. Clair in consultation with the Province, be permitted to develop on individual services where specialized treatment related to industrial processes is required. Council will pass a By-law outlining such services.

Dry industrial uses on private sewage systems will not be permitted in a municipal sewer service area.

**reallocation of capacity**

- 3.1.1.3** The Township of St. Clair may reallocate sewage capacity when the Township of St. Clair deems that allocated sewage 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 limit has expired and no appeal has been filed.

**phasing of development**

- 3.1.1.4** The Township of St. Clair will make no commitment or approve any development that would cause the capacity of a sewage treatment plant to be exceeded. In certain cases improvements to the sanitary sewer system [and/or engineering feasibility studies at the expense of the proponent](#) may be required before development may proceed. Such improvements may include the provision of a new pumping station and/or sewer line extensions.

**individual sanitary sewage treatment and disposal systems**

- 3.1.1.5** New development, located outside the sewer service area and requiring individual systems, will be permitted if the proposed site can accommodate an individual sanitary sewage treatment and disposal system based on the following criteria:
- a) The lot area will comply with the requirements of the Province or its designated agent and be large enough for the type of development proposed and the system(s) to be used;
  - b) A Certificate of Approval for an individual sanitary sewage treatment and disposal system is to be obtained;
  - c) The proponent of a development or expansion of any use obtains a Certificate of Approval for the expansion or alteration of an existing sewage system. No redevelopment or expansion should create or aggravate a pollution problem.
  - d) [The proposed system is consistent with the natural heritage policies of this plan and the Source Water Protection Policies of this Plan.](#)

Limited new development within the sewer service area will also be permitted on private sewage disposal systems, provided it is located in an area of the Township of St. Clair where private services predominate, and a limited number of undeveloped lots exist.

Any development which is not serviced by full municipal services must be supported by studies which include, as a minimum, evaluations of soil percolation rates, impacts on ground water resources, ground water mounding and adjacent watercourses. Reserve areas for replacement septic systems will be required for each lot. The Approval Authority will also consider the use of communal systems and secondary treatment systems where appropriate. Where new multi-lot clusters are proposed,

proponents will be required to submit soils and hydrological studies completed by qualified soils engineers with recognized expertise in on-site sewage system design.

## **3.2 Water Service**

This section outlines the Township of St. Clair's requirements for water supply systems.

### **3.2.1 Policies**

#### **municipal service area**

- 3.2.1.1** All development within the water service area will be serviced by municipal piped water facilities. When development is proposed in the water service area and the necessary lines are not yet installed, the developer will be responsible for the provision of necessary extensions. The Township of St. Clair will pass a By-law pursuant to the Municipal Act defining areas where water system connections are mandatory.

#### **private water supply**

- 3.2.1.2** Development may be permitted on private water systems, subject to proof that water quality and quantity are adequate, where piped water is not [planned or](#) available and an extension of services is not economically feasible.

#### **industrial process use**

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

#### **high volume industrial users**

- 3.2.1.4** High volume industrial users using the municipal water supply system may be required to enter into an agreement with the Township of St. Clair whereby the industrial user will provide its own system and cease use of the municipal system in the event that the capacity taken by the industrial use is needed for other purposes, subject to sufficient notice as defined in the agreement. Depending upon the volume of groundwater or surface water required, a Permit to Take Water under the Water Resources Act may be required. [Any and all studies will be at the proponent's expense.](#)

#### **3.2.1.5 New development**



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

### **3.3 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 Township of St. Clair 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.

Planning for stormwater management shall:

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

### 3.3.1 Policies

#### retention and detention

#### 3.3.1.1

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

#### management principles

#### 3.3.1.2

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 Township of St. Clair may consult the local Conservation Authority, and the Province when considering all multiple land severances and plans of subdivision; and
- f) storm water management facilities require the issuance of a certificate of approval under the Ontario Water Resources Act.

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

**separation of stormwater from sanitary sewers**

- 3.3.1.3** The Township of St. Clair will encourage the separation of stormwater inflow and infiltration from municipal sanitary wastewater flows. The Township of St. Clair will also initiate the disconnection of rooftop leaders from sanitary sewers and eliminate other factors that add stormwater to sewers.

**municipal and agricultural drains**

- 3.3.1.4** The principles of natural channel design will be utilized in the construction or rehabilitation of drains. This may include the following:

- a) grassed slopes and other forms of plantings, or other suitable erosion control methods should be introduced and maintained on the banks of drains to add to the stability of the drainage channel;
- b) tile outlets should be constructed to minimize erosion along watercourses;
- c) tree planting or other buffer measures should be installed where appropriate to act as a windbreak, protect drain banks, and to restrict cultivation near drain banks;
- e) ponding areas should be incorporated in drains to reduce the speed and volume of flow, to act as settling areas for water borne particulates, to enhance evaporation and to serve as water storage areas.

**3.3.1.5 Limiting costs**

The Township recognizes the potentially high cost of stormwater management in terms of engineering and construction fees and the barrier this can be to the establishment or expansion of small businesses and institutions. The Township may determine no need for stormwater management measures for minor extensions of buildings, parking areas, or other hard surfaces, or on small sites where the ability to

provide retention does not exist. The Township may accept non-engineered control measures that will obviously address quality and/or quantity control adequately and produce no adverse effects on neighbouring properties or watercourses. Such determinations shall be at the discretion of the municipal engineer and, if the engineer deems necessary, in consultation with the Conservation Authority.

### **3.4 Land Use Compatibility**

The proposed use of all land in the Township of St. Clair must be compatible with adjacent land uses, having regard for the Ministry of the Environment's Land Use and Compatibility Guidelines. Residential areas and other sensitive uses, such as hospitals and nursing homes, will be protected from undesirable air quality, excessive noise and vibration, and excessive dust and odour through the policies of the Plan and the use of Site Plan Control. Developers may be required to carry out noise, dust, odour and/or vibration assessments and determine control measures that are satisfactory to the Township of St. Clair and the Province.

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

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 Township, 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:

- a) Appropriate noise impact assessments are conducted to verify that the applicable sound level limits will be met;
- b) 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;
- c) Enter into appropriate agreements with the Township (and any other relevant approval agencies), to confirm all relevant requirements have been met; and
- d) 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.

### **3.5Decommissioning**

Where a change in land use is proposed and the previous or existing use has the potential to cause environmental contamination, the site will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. Adverse effects include one or more of the following: impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or plant and animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for use by humans; loss of enjoyment of normal use of property; and interference with normal conduct of business.

### **3.6 Waste Management Systems**

#### **definition**

- 3.6.1** 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**

- 3.6.2** 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 Township of St. Clair) 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, **if more than 25 years has lapsed since the land ceased to be so used for waste disposal purposes.**

### 3.7 Sewage Lagoons

#### buffer

New residential developments and other sensitive land uses will not be permitted within 100 metres of any existing sewage lagoons within the Township of St. Clair or an adjoining Township of St. Clair, in order to provide an odour buffer.

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### **3.8 Public Utilities**

#### **underground lines required**

**3.8.1** Underground utilities, including electric power lines and telephone lines, will be required in all new developments within Residential Areas and in other areas where feasible.

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

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

**3.8.3** The Township of St. Clair will encourage the multiple-use of electric power utility rights-of-way to accommodate drainage or service corridors, parking areas, parkland, agricultural operations and natural gas, oil and petrochemical pipelines, in accordance with the land use policies and designations of this Plan.

**3.8.4** Natural gas, oil and petrochemical commercial delivery pipelines will be installed within existing rights-of-way wherever feasible and practical.

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

#### **Abandoned petroleum wells**

**3.9** As a condition of approving development (severances, plans of subdivision), the County and /or the local municipality will require that improperly abandoned (plugged) 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**

**3.10** 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, plan of subdivisions 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 3.5 of this Plan relating to decommissioning.

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

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

## **4.1 GREEN ENERGY**

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

### **4.1.1 Green Energy Objectives**

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

### **4.1.2 Green Energy Policies**

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



#### **4.1.3 District Energy**

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

#### **4.2 Wind Energy**

- a) Large scale wind turbines shall be directed to lands within Prime Agricultural and Rural Area designations in order to reduce the potential for land use conflicts in Settlement Areas.
- b) Small scale wind turbines may be permitted in all land use designations.
- c) Wind turbines of all sized will be encouraged subject to confirmation that the supporting structure is capable of bearing the weight.

#### **4.3 Solar Energy**

- a) Ground mounted solar renewable energy facilities of up to 10 kilowatts are permitted in prime agricultural areas as an on-farm diversified use. Facilities in excess of 10 kilowatts shall not be located in prime agricultural areas.
- b) Small scale solar panels that provide electricity for use on the same property will be considered accessory uses.
- c) Roof mounted solar generating facilities of all sizes will be encouraged subject to confirmation that the supporting structure is capable of bearing the weight.

## PART D

### COMMUNITY DEVELOPMENT

SECTION 1	Cultural Heritage
SECTION 2	Amenity & Design
SECTION 3	Urban Design
SECTION 4	Energy Conservation
SECTION 5	Community Improvement
SECTION 6	Signs
SECTION 7	Property Maintenance
SECTION 8	Source Protection

## 1 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 may also constitute heritage resources.~~

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

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

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

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

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 Township of St. Clair. These cultural heritage resources, both individually and collectively, contribute to the identity of the Township of St. Clair. 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 Township of St. Clair.

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 Township of St. Clair's heritage resources.

The Township of St. Clair 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.

### 1.1.1 Policies

~~cultural and built heritage~~ conservation of built heritage resources and cultural heritage landscapes

- 1.1.1 The Township of St. Clair 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.

The Township recognizes the value of preserving significant historical buildings and sites of cultural/historical merit. Council may consider the establishment of a Municipal Heritage Committee to consult on issues related to cultural heritage resources and conservation.

incorporation of heritage structures

- 1.1.2 The Township of St. Clair will encourage proponents to incorporate heritage structures in new development or redevelopment. Where feasible, proponents will be encouraged to incorporate design elements in new development that link developments with existing heritage structures.

The Township will engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

archaeological surveys

- 1.1.3 The Township of St. Clair 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 Township of St. Clair may seek to protect significant archaeological resources through the zoning By-law provisions set out in the Planning Act.

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- 1.1.4 St. Clair Township will prepare and maintain comprehensive inventories of significant heritage resources, including significant built heritage and cultural heritage landscapes, as a basic tool for identifying and conserving these resources.
- 1.1.5 St. Clair Township will designate properties that meet criteria for determining Cultural Heritage Value or Interest (O. Reg 9/06) under the *Ontario Heritage Act*. While it is the intent of the municipality to work collaboratively with landowners in conserving properties of Cultural Heritage Value or Interest, there may be instances in which landowners may not consent to the designation of their respective property. Council will act in the public interest to conserve and designate properties of Cultural Heritage Value or Interest despite objections by their owners.
- 1.1.6 If St. Clair Township intends to designate a property to be of cultural heritage value or interest, the Clerk shall issue notice of intention to designate in accordance with requirements and limitations established under the *Ontario Heritage Act*.
- 1.1.7 Any Planning Application related to lands designated or within 50 metres of lands designated under the *Ontario Heritage Act* shall be accompanied by a Heritage Impact Assessment. The Heritage Impact Assessment shall be prepared by a qualified heritage professional in accordance with technical guidance included in the Ontario Heritage Toolkit.
- 1.1.8 If a property has not been designated under the Ontario Heritage Act but has been included in the Municipal Register, the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives Council at least 60 days' notice in writing of the Owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. Notice to demolish a building or structure on the Municipal Register shall be accompanied by such plans and information that the Council may require to make a decision on the matter, and may include but not be limited to:
- a) primary and secondary research, visual inspection, and evaluation against prescribed criteria for determining Cultural Heritage Value or Interest prepared by a qualified heritage consultant (Ontario Regulation 9/06), and,
  - b) architectural plans pertaining to the replacement building or structure.
- 1.1.9 If following a request for demolition, a property has been found to meet prescribed criteria for determining Cultural Heritage Value or Interest (Ontario

Regulation 9/06), the Council of St. Clair Township may issue notice of intention to designate the property, thereby, causing the request for demolition to be void.

- 1.1.10 An evaluation against prescribed criteria for determining Cultural Heritage Value or Interest prepared by a qualified heritage consultant (Ontario Regulation 9/06), shall accompany a Planning Application that pertains to a property listed on the Municipal Register. If the property has been found to meet prescribed criteria, the proponent shall provide a Heritage Impact Assessment, prepared by a qualified heritage professional, in support of the Planning Application in accordance with technical guidance included in the Ontario Heritage Toolkit.
- 1.1.11 A Conservation Plan may be required in accordance with recommendations contained within a Heritage Impact Assessment, to be provided as a condition of approval of a Planning Application detailing how a cultural heritage resources can be conserved. The Conservation Plan shall be prepared by a qualified heritage professional in accordance with technical guidance included in the Ontario Heritage Toolkit. The recommendations of the Conservation Plan should include descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures. St. Clair Township may enter into a development agreement to ensure the implementation of recommendations included in a Conservation Plan.
- 1.1.12 In reviewing proposals for the construction, demolition, or removal of buildings and structures or the alteration of existing buildings, St. Clair Township shall be guided by the following general principles where there is potential to impact any cultural heritage resources:
- a) St. Clair Township shall encourage the adaptive reuse of heritage properties. Any permitted redevelopment shall ensure, where possible, that the original building fabric and architectural features are retained, repaired, or restored rather than replaced.
  - b) New additions and features should be no higher than the existing building and wherever possible be placed to the rear of the building or set back substantially from the principle façade.
  - c) New construction and/or infilling should be compatible with surrounding buildings and streetscapes by being of the same height, width and orientation as adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape.
- 1.1.13 St. Clair Township may develop financial incentive programs and other efforts that promote private investment in preserving physical cultural heritage (archaeological, built heritage, and cultural heritage landscapes) resources and in improving cultural nodes.

- 1.1.14 Consistent with the PPS, development, site alteration, including construction of infrastructure and public service facilities on lands containing archaeological resources or areas of archaeological potential, including marine archaeological sites, are permitted only if the significant archaeological resources have been conserved in a manner that ensures their cultural heritage value or interest is retained. This shall be achieved by the implementation of recommendations set out in an archaeological assessment. To address development impacts on an archaeological site with a level of cultural heritage value or interest that has been determined to require mitigation, there are two approaches for mitigation of development impacts:
- a) avoidance and protection
  - b) excavation
- 1.1.15 Avoidance and protection preserves archaeological sites intact. It is the preferred option for the mitigation of impacts to archaeological sites. Avoidance and protection are most viable when the cultural heritage value or interest of the archaeological site is determined early in the planning stages of the development, when plans are most flexible.
- 1.1.16 Archaeological consultants must be licensed by the Ministry of Tourism, Culture and Sport, under the Ontario Heritage Act, and follow Technical Guidelines issued by the Ministry for completing archaeological assessments. Completed as part of the land use planning and development or environmental assessment approval process, an archaeological assessment must be accepted by the Ministry of Tourism, Culture and Sport.
- 1.1.17 Development requiring an Official Plan and/or Zoning By-law Amendment, Subdivision/Condominium approval or Site Plan Approval, and all new/improved infrastructure and public service facilities, if located on lands with Archaeological Potential as per Ministry of Tourism, Culture and Sport Screening Criteria for Evaluating Archaeological Potential, shall be required to complete an Archaeological Assessment prior to such development.

## **2 AMENITY AND DESIGN**

### **buffering and screening**

- 2.1 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.

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- 2.2** The Township of St. Clair'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**

- 2.3** All land uses and transportation facilities that may be noxious due to noise, visual characteristics, vibration, dust or odours will be physically separated from residential areas wherever possible. The Township of St. Clair 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.

- 2.4** 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 "Open Space" and ~~"Hazard and Environmental Protection"~~ [Natural Heritage System](#) designations.

- 2.5** 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**

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

**noise guidelines**



- 2.7** The appropriate Provincial noise guideline standards will be maintained for all new development within or adjacent to residential areas.
- 2.8** Council may require that applications for residential uses adjacent to Controlled Access Provincial Highways, [major facilities as defined in the Provincial Policy Statement \(2020\)](#), and railway lines are supported by a Noise and Vibration Impact Study, prepared in accordance with normal accepted standards, which will include the following:
- a) A description of the proposed development, including plans;
  - b) Physical site characteristics, including 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 nighttime;
  - 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 nighttime.
- 2.9** No new residential development adjacent to controlled Access Provincial Highways, [major facilities as defined in the Provincial Policy Statement \(2020\)](#), and railway lines will be permitted unless predicted post-development noise levels are at or below the levels acceptable to the Province. However the Township of St. Clair may approve development and require that notice be given to prospective purchasers and tenants where predicted noise levels exceed maximum acceptable Provincial levels.

- 2.10** **Class 4 Designations for new residential uses**  
Notwithstanding Policy 2.3, and consistent with Policies 2.7, 2.8 and 2.9, 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 Part C Section 3.4 of this Plan where additional policies are provided to guide relevant Class 4 designations.

### 3 **URBAN DESIGN**

#### high quality design

~~3.1 The Township of St. Clair will encourage the highest quality in design and amenity to be incorporated into the design plans in all land use designations:~~

- ~~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.~~

#### **3.1 Introduction**

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

#### **3.2 Safety**

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

- a) Appropriate lighting, visibility and opportunities for public surveillance for parking lots, walkways, parking garages and open space areas;
- b) Unobstructed views into parks and open spaces from adjoining streets;

- c) Design and siting of new buildings shall provide opportunities for visual overlook and ease of public access to adjacent streets, parks and open space;
- d) Views into and out of publicly accessible buildings shall be encouraged; and,
- e) Landscaping that maintains views for safety and surveillance.

### **3.3 Barrier-free Access**

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

### **3.4 Streetscapes**

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

### **3.5 Building Design**

- a) The design of new buildings should achieve a complementary design relationship to existing buildings, while accommodating a diversity of architectural styles, building materials and colours, energy conservation techniques and innovative built forms.
- b) The design of all buildings shall implement pedestrian safety and should provide direct street access.
- c) The Town will encourage the recessed placement of garages and discourage the protrusion of garages on residential buildings into the front yard, beyond the main front building wall. Other options for garage placement which deemphasize their appearance on the street are encouraged. In addition, the width of private driveways accessing private garages shall be controlled to ensure that there is an appropriate relationship between pavement and landscaping in the yards where the driveway is located. Such a relationship shall also take into account the desire to maximize the infiltration of rainwater. These policies shall be implemented through the Zoning By-law.
- d) Building entrances shall be located to be visible from the adjoining street(s) and, where possible, directly linked to the sidewalks through appropriately articulated walkways.
- e) Building functions that do not directly serve the public, such as loading areas, shall not face a public street and should be located away from noise sensitive land uses, such as residential areas, and buffered, as necessary.
- f) Buildings should employ devices such as awnings, canopies, building cantilevers/overhangs to generally improve the level of pedestrian comfort. Sheltered building entrances should be provided at primary building entrances to multi-storey residential, public, recreational, industrial, office and commercial buildings, where necessary.
- g) When a development is located adjacent to existing, or planned residential areas, sufficient building setbacks should be provided to minimize potential height and massing impacts such as overlook and shadowing.
- h) Buildings should be massed to be architecturally articulated to provide visual variety and interest. Generally, building articulation features such as canopies, cornice lines and varying façade materials should be used

to reinforce a pedestrian scale, and generous front porches are encouraged for residential built forms.

- i) Building massing should reinforce a continuous street wall frontage located close to the front property line to recognize pedestrian scale and provide an appropriate street wall height at the street line.
- j) Buildings on corner lots shall be located in close proximity to the street rights of way. Corner lots should emphasize their important community presence by employing appropriate strategies for major landscape treatments as well as building massing and articulation that emphasize the corner condition.
- k) Any permitted redevelopment shall ensure, where possible, that the original building fabric and architectural features are retained, repaired, or restored rather than replaced. New construction and/or infilling should be compatible with surrounding buildings and streetscapes by being generally of the same height, width and orientation as adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape;
- l) Exterior signs should be uniform in appearance, in terms of location, size, shape, materials and colours to encourage design quality.

### 3.6

#### Site Design

- a) Site design incorporates the built form of structures, landscaping, services and the layout of all amenities. Site design shall consider the relationships between the public realm, adjacent land uses, on-site operations and visual aesthetics, in order to promote an environment that is pleasant and attractive to the community.
- b) Site design shall consider how to maximize the compatibility between adjacent land uses through appropriate site layout, building locations and landscape treatments.
- c) The design of sites adjacent to parks, woodlots and watercourses shall be sensitive to these features. In these instances, appropriate setbacks shall be maintained between buildings and sensitive natural areas, while on-site landscaping shall be well integrated with natural areas.
- d) Continuous, highly visible, well-articulated and landscaped connections between building(s) and the street should be provided to establish

appropriate pedestrian linkages between the sidewalk and building entrances.

- e) Along collector and arterial roads, reverse frontage residential lots shall be minimized through techniques such as window streets and where reverse frontage lots are provided, shall incorporate a substantial landscape buffer to improve the visual amenity of such areas.
- f) On large sites, pedestrian linkages between uses and adjacent sites should be provided.
- g) Mechanical components and/or telecommunication towers should be screened from public view.

### 3.7 Landscaping

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

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

### **3.8 Parking**

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

### **3.9 Access and Circulation**

- a) To enhance the vibrancy of the streets, joint vehicular access points into sites shall be considered on adjacent sites.
- b) To ensure pedestrian safety and promote their priority over vehicular traffic, major pedestrian routes on the site should be identified and delineated from the driving surfaces. Pedestrian walkways should be made continuous across driving aisles as well as across driveway entrances at the street. The use of soft landscaping is also encouraged along major pedestrian routes.

### **3.10 Commercial and Employment Areas**

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

### **3.11 Design for New Neighbourhoods**

- a) The following design principles apply to the development of new neighbourhoods through Plans of Subdivision or Condominium within the Township's Settlement Areas, in accordance with the policies of this Official Plan:
- i. Residential development shall include a combination of housing types, with a range of densities that implement the housing objectives and policies of this Plan;
  - ii. High-density housing shall be located on Arterial and Collector Roads to facilitate the establishment of multi-modal facilities and a pedestrian-oriented environment;
  - iii. New development areas shall be integrated with existing neighbourhoods;
  - iv. New subdivision streets should generally align in a grid pattern to create appropriately sized development blocks and to promote active transportation permeability and connectivity;
  - v. New blocks shall be designed with lengths that are generally less than 250 metres to support active transportation;



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

## 4

### **ENERGY CONSERVATION**

#### ENERGY CONSERVATION

Energy conservation will be promoted through the orientation and massing of buildings for solar gain, building retrofit, use of vegetation for cooling or warmth, by considering alternative 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 Township 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 Township.

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

- Stormwater Management Policies (Part C: Section 3.3)
- Green Energy Policies (Part C: Section 4.1)
- Housing Density Policies (Part B: Section 2.2)
- Parking and Bicycle Policies (Part C: Section 1.3 and 1.4)
- Natural Heritage Policies (Part B: Section 16)

**subdivision design**

- 4.1** The Township of St. Clair will encourage energy conservation measures to be incorporated into the design of development. Such measures, as the solar orientation of new lots will be encouraged.

Subdivisions with predominantly east/west road orientations are encouraged in order to allow solar heating through south-facing windows in winter. Such a layout also permits planting deciduous trees to the south of houses and evergreens to the north to provide shade in summer and a wind break in winter.

New subdivision development shall provide one tree in the boulevard per lot in a plan of subdivision or shall provide cash-in-lieu for the Township to do the same. Boulevard plantings within new subdivisions and any other plantings along Municipal road allowances shall make use of large shade native trees in accordance with Section 16.2.6 of this Plan.

Electric Vehicle Charging Station

The Township supports provision of electric vehicle charging stations in publicly and privately-owned parking lots.

The Township may establish, through the Comprehensive Zoning By-law, appropriate provisions related to electric vehicle charging stations.

## 5 **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 Township of St. Clair in the identification and prioritization of Community Improvement Areas [\(CIA\)](#) and Projects, subject to available resources.

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

### 5.1 **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**

#### 5.1.1 For all areas, it is the intent of the Township of St. Clair:

- a) to contribute to an enhanced sense of community in the Township of St. Clair;
- 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 Township of St. Clair; ~~and~~
- e) to enhance the economic potential of the Township of St. Clair in order to foster employment generating activity;
- f) [to provide sufficient lands for employment uses to provide opportunities and options for a variety of employment;](#)
- g) [to protect and preserve employment areas for current and future uses;](#)
- h) [identify and promote opportunities for intensification and redevelopment within Brownfield sites;](#)

- i) promote energy efficient standards for all uses within a Community Improvement Plan
- j) to encourage infilling on vacant lots, on Brownfields, or on other underutilized land; and
- k) to attract, retain, and facilitate cultural activity and to preserve physical culture and heritage assets.

**objectives for residential areas**

**5.1.2** In residential areas the Township of St. Clair 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~~ persons with physical and/or intellectual disabilities; and
- d) to provide improved neighbourhood and residentially oriented recreational facilities.

**objectives for commercial districts**

**5.1.3** In commercial areas the Township of St. Clair 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 industrial and service-commercial~~ areas mixed commercial/industrial areas

**5.1.4** In industrial and service commercial areas the Township of St. Clair intends:

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

## **5.2 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**

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

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

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

#### **5.2.2** 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**

#### **5.2.3** 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**

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

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

**5.3 Potential Public Land Acquisition**

The following lands may be acquired by the Township of St. Clair 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 Township of St. Clair to acquire lands in other locations for community improvement or other purposes.

## **5.4 Implementation**

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

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

Pursuant to the Planning Act, the Township of St. Clair 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 Township of St. Clair 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 Township of St. Clair 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 Township of St. Clair 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 Township of St. Clair 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.

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

**5.4.1.2** The CIP must be led by local stakeholders and have the formal commitment of the Township's Council and all major stakeholders such as the local service clubs. Representation from local service clubs, a senior municipal staff person, and all other stakeholders is required in all consultations and committees. A municipal staff person may serve as CIP coordinator. Organizers must



assemble all relevant policies and regulations affecting the commercial area. No further steps of CIP development shall commence until all components of the organizational structure are established.

**5.4.1.3** The CIP must conduct an initial community assessment of strengths, weaknesses, opportunities, and threats and continually re-assess by survey. The CIP must develop a brand by identifying what makes the CIA or broader community unique or how it can differentiate itself from other communities or regions. The brand must work with the regional identity.

**5.4.1.4** The CIP must define its end goal. To be a destination community, the CIP must have capacity to provide primary activities in the CIA or broader community in proportion to how far visitors are expected to travel. Primary activities must be things visitors cannot get closer to home. Alternatively, a community may plan to be a support community, capturing traffic en route to another destination.

**5.4.1.5** The CIP must develop one- and five-year action plans towards its goal, identifying problems and opportunities to be tackled one at a time, in order. Action plans must be reviewed and updated regularly.

**5.4.1.6** The CIP must develop marketing plans and/or community design standards for improvements within the CIA. These must implement the branding and action plans and support common themes, key messages, and even color schemes. Design themes could be marketing or physical improvement oriented.

**5.4.1.7** Municipal investments in the CIA must conform to the brand, action plans, and community design standards established by the CIP and may include one or more of:

- a) capital expenditures to core visitor attractions within the CIA and broader community;
- b) incentive programs/grants for storefront signage, community gateway signage, interpretive plaques, kiosks, façade improvements, awnings, street furniture, decorations, lighting, seasonal decorations, and anything else consistent with branding and action plans; and
- c) advertising, promotional materials/ packages, and mapping of businesses, core attractions, and non-gated public attractions.

**5.4.1.8** Site plan approvals shall require that new development be consistent with the CIP's branding, action plan, and community design standards.

## **5.4.2 Joint Studies and Development**

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

#### **5.4.2.1 Monitoring**

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

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

In order to ensure the proper repair and maintenance of buildings in the Township of St. Clair, 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 Township of St. Clair 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 Township of St. Clair 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.

#### **5.4.4 Demolition Control Areas**

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

#### **5.4.5 Cultural and Natural Heritage**

In addition to the other measures described in this Plan, the Township of St. Clair may make use of programs under the Ontario Heritage Act to support the preservation of historic buildings.

In addition to the other measures described in this Plan, the Township of St. Clair 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.

#### **5.4.6 ~~Bonus Zoning Provisions~~ Community Benefits Charge**

In order to provide some flexibility in the provision of the Zoning By-law which implements this Official Plan, and thus help implement the policies of this section, the Township of St. Clair may pass a By-law pursuant to the Planning Act, ~~to authorize increases in the height and density of permitted development in return for such facilities, services or matters as set out in the By-law~~ to address Community Benefits requirements for new development.

#### **5.4.7 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 Township of St. Clair 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.

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

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

## **6 SIGNS**

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

[New signage shall conform to the urban design policies regarding its appearance and location in Part D Section 3 of this Plan.](#)

## **7 PROPERTY MAINTENANCE**

It will be the policy of the Township of St. Clair 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 Township of St. Clair may pursuant to the Planning Act, pass a By-law to:

- a) prescribe standards for the maintenance and occupancy of property within the Township of St. Clair 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.

## **8 SOURCE PROTECTION POLICY (OPA #22)**

### **8.1 Policies**

- a) All municipal decisions under the Planning Act shall conform to the significant threat policies and have regard for other source water

protection policies. The policies that apply to vulnerable areas identified in the Source Protection Plan, including "Intake Protection Zones" (IPZs) or "Highly Vulnerable Aquifers" (HVA).

- b) The Clean Water Act requires that all decisions under the Planning Act or Condominium Act made by municipal planning authorities must conform to significant threat policies and have regard for other policies in an approved Source Protection Plan. Within areas identified in an approved Source Protection Plan any use or activity that is, or would be, a significant drinking water threat is required to conform to all applicable Source Protection Plan policies and may be prohibited, regulated or otherwise restricted by those Source Protection Plan policies. Such uses would include commercial storage of fertilizer greater than 124,000 kg, fuel handling or fuel storage greater than 34,000 litres, handling or storage of fuel in the use of backup generators, pesticide storage and applicable uses identified in the Source Protection Plan.
- c) The protection, conservation and careful management of groundwater resources are necessary to meet both the present and future needs of residents, businesses and the natural environment. As groundwater and aquifer contamination is extremely difficult and costly to rectify, prevention of contamination is the most realistic strategy. Aquifers need to be protected across the Municipality to ensure a clean groundwater supply, as well as to provide baseflows for creeks, streams and water sources for ponds and wetlands.
- d) The Township will undertake education and outreach programs designed to increase the awareness and understanding of drinking water threats, and promote best management practices in consultation with the St. Clair Region Conservation Authority. These policies shall address low, moderate, local and significant threats.
- e) The Township relies on the Great Lakes system for the majority of their water supply. The majority of the Township is serviced by the Lambton Area Water Supply System (LAWSS) and the Township of St. Clair distribution lines draw water directly from Lake Huron. Small portions of the Township is serviced by the Petrolia Water Supply System and its municipal distribution system, while a small portion of the Township is unserved requiring groundwater for drinking water. Industry also draws water to and from the St. Clair River by means of private water piped/open ditch infrastructure. The Clean Water Act requires that the Township protect water in its watershed where identified in the Source Protection Plan for all residents including residents downstream. Public

drinking water intake infrastructure exists near Wallaceburg and on Walpole Island.

- f) The Township shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas; and protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions, pursuant to the Provincial Policy Statement ([PPS 2020](#)).
- g) Development and site alteration shall be regulated in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.
- h) Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.
- i) Land uses and activities within vulnerable areas that have the potential to pose significant, moderate or low threats due to chemicals or pathogens may be prohibited, restricted or regulated. All storage or handling of liquid waste, petroleum, fuels, solvents, fertilizers and related chemicals shall be provided for in properly designed and engineered containment areas in accordance with all applicable policies, guidelines, technical standards and legislation.
- j) Municipal initiatives in support of the protection of water resources includes: possible incentives to mitigation, enact and enforce sewer use by-laws through the powers granted under the Municipal Act, to limit and regulate the quality and quantity of substances discharged into the municipal sanitary and stormwater systems; develop and implement a road salt management plan for all roads in vulnerable areas; consider the encouragement of a septic system maintenance inspection program in co-operation with priority being given to inspecting older and failing systems; and continually review and update any spill prevention plans, spill contingency plans, and emergency response plans.
- k) Restricted land uses with IPZ areas include the following: commercial storage of fertilizer greater than 124,000 kg, fuel handling or fuel storage greater than 14,000 litres, handling of storage of fuel in the use of back-up generators, pesticide storage and uses identified in the Source

Protection Plan. The Township of St. Clair in consultation with the RMO prepared a screening policy as identified in the following appendix.

- l) The Township will have regard for the transportation of fuel and fertilizer along waterways, railways, pipelines and arterial roads in the IPZ areas including, but not limited to, the St. Clair Parkway, and other arterial roads in addition to the international ferry crossing.
- m) Municipal reviews shall consider routing or rerouting, placement of signage so emergency responders and those engaged are aware that a spill may pose a significant drinking threat, and includes emergency response programs regarding containment.
- n) For drinking water threats, the Township will require spill prevention plans, contingency plans and emergency response plans for applicable non-residential uses in the EBA and IPZ areas. These plans will be incorporated into the site plan control agreements. As part of the spill response plans, the land owner shall post by sign local contact information in case of an emergency or spill and contact the Township Clerk and Fire Chief in the event of a spill or emergency.
- o) In HVAs all prescribed instruments must include conditions if warranted to manage the land use such that it does not become a significant drinking water threat. Prescribed instruments include: Environmental Compliance Approvals (formerly referred to as Certificates of Approval); Permits to Take Water; Aggregate licences; Renewable Energy Approvals; Approvals of municipal Official Plans; and Orders to clean up soil or groundwater contamination.
- p) The Township will notify the Source Protection Authority of new "transport pathways" such as pipelines, sewer lines, water lines, municipal drains and/or new wells that could provide a pathway underground along such infrastructure in IPZ areas.
- q) The Township will encourage communication/collaboration with Chatham-Kent, MOE and the St. Clair Region Conservation Authority concerning nitrate matters.

## 8.2 Mapping

Mapping of each of these features are included as appendices to the Plan with a qualifier that the IPZs, HVAs, local, or low to moderate threat areas may be updated by the Source Water Protection Plan and as such development review shall comply with both maps.

### **8.3 Risk Management Official**

Where required by policies in an approved Source Protection Plan, the Township shall circulate all applicable development applications (including applicable building permits or planning act applications) in an EBA or IPZ area to the Risk Management Official (RMO) where there has not been a screening policy. Regardless, all development applications that would involve high volumes of fuel storage, fuel transportation or handling or fuels/fertilizers in an IPZ area shall be circulated to the Risk Management Official (RMO). The Township of St. Clair in collaboration with the RMO prepared a screening policy/form as identified in the following "Appendix C" which may be subject to edits without an amendment to this plan.

The Township may require technical studies and risk management plans to be prepared by a qualified professional as part of any development application to identify, assess and mitigate any potential impacts within vulnerable areas. These studies may include, but are not limited to, a hydrogeological study and a spill prevention and contingency plan.

### **8.4 Source Protection Authority Monitoring**

The Township will establish a monitoring and report program pursuant to Section 5.08 of the Source Protection Plan which is to be submitted annually to the Upper Thames River Conservation Authority.



## PART E IMPLEMENTATION

SECTION 1	Official Plan Reviews & Amendments
SECTION 2	Zoning By-laws
SECTION 3	Existing, Non-Complying & Non-Conforming Uses
SECTION 4	Site Plan Control
SECTION 5	Committee of Adjustment
SECTION 6	Land Division
SECTION 7	Special Studies
SECTION 8	Capital Works
SECTION 9	Financial Restrictions
SECTION 10	Interpretation

# 1 **OFFICIAL PLAN ~~REVIEW AND AMENDMENTS~~**

## 1.1 Official Plan Review

In accordance with the Planning Act, a special meeting of Council, open to the public, will be held at least once every ~~five~~ 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 Township of St. Clair.

1. The ten-year review shall consist of an assessment of:
  - a) County growth allocations and the degree to which such allocations are being achieved;
  - b) The effectiveness of the Plan in protecting water quality, heritage resources, natural resources and habitat and the general environment within the Township;
  - c) The continuing relevance of the vision that forms the basis of all policies found in this Plan;
  - d) The degree to which the objectives of this Plan have been met;
  - e) The amount and location of lands available for urban development;
  - f) Whether the Township has realized a desirable balance of commercial and industrial assessment in relation to residential assessment;
  - g) The Township's role within the County and its relationship with other municipalities;
  - h) Development trends in the County and their effect on development in St. Clair Township; and,
  - i) Matters which are necessary to address to ensure consistency with or conformity to County and Provincial Plans and policy documents.
  
2. The County of Lambton is responsible for determining settlement area boundaries and is the approval authority for boundary expansion. Settlement area expansion is not necessary to accommodate the future growth anticipated during the time horizon of this Official Plan. In the event that a settlement area expansion is contemplated, settlement boundary expansions shall only occur through co-ordinated Local and County amendments as part of a municipal comprehensive review that reflects the County market area, growth projections, allocations and intensification targets set by the County and where:
  - a) Sufficient opportunities for growth are not available through intensification, redevelopment and Greenfield development in designated settlement area lands to accommodate projected needs

- within the regional market area and within the Township;
  - b) The expansion makes available sufficient lands for a time horizon not exceeding 25 years based on the analysis outlined above;
  - c) Existing or planned infrastructure and public service facilities required to accommodate the proposed expansion over the long term can be provided in a financially and environmentally sustainable manner and protect public health and safety;
  - d) In prime agricultural areas:
    - i. The lands do not comprise specially crop areas;
    - ii. There are no reasonable alternatives; and
    - iii. There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.
  - e) Impacts from the proposed expansion on adjacent agricultural operations close to the Settlement Area can be mitigated to the extent feasible including compliance with the Minimum Distance Separation formulate;
  - f) The loss of mineral aggregate extraction opportunities is minimized;
  - g) Potential negative environmental impacts are mitigated including addressing the source of drinking water as outlined in this Plan, the Source Water Protection Plan, and the County of Lambton Official Plan;
  - h) In determining the most appropriate location for expansions, the policies of this Plan and the County of Lambton Official Plan shall be applied;
  - i) The timing of the expansion and the phasing of the development within the proposed expansion area would not adversely affect the achievement of any intensification and redevelopment.
3. Lands located within the Industrial Type One, Industrial Type Two and Industrial Type Three except with the support of a Municipal Comprehensive Review prepared and supported by the Township and County. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:
- a) There is a need for the conversion;
  - b) The Township will meet the employment forecasts articulated in the County of Lambton Official Plan;
  - c) The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this Plan;
  - d) There is existing or planned infrastructure to accommodate the proposed use; The lands are not required over the long term for employment purposes for which they are designated; and,
  - e) Cross-jurisdictional issues have been considered.

## 1.2 [Official Plan Amendments](#)

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

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

## 2 **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 Township of St. Clair. 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.

### 2.1 **Holding Symbols**

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

The holding (h) 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** [Land Tribunal](#). However, should Council refuse to pass an amending By-law to remove the holding symbol if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may

appeal the decision to the Ontario ~~Municipal Board~~ Land Tribunal in the normal manner.

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

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

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

## **2.2 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. As these uses will be temporary, such uses do not have to be limited to uses that conform to the Official Plan. A By-law authorizing a temporary use will define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-law (ten years in the case of garden suites). 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.

## **2.3 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 Township of St. Clair, 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.

## **2.4 Bonus Zoning**

- ~~In order to implement some of the policies of this Plan, the Council may pass a By-law pursuant to the Planning Act, authorizing increases in height and/or density for development permitted by this Plan, as an incentive to encourage landowners to provide specific amenities. This type of By-law is referred to as a "Bonus Zoning" By-law.~~
- ~~The Township of St. Clair may make use of bonus zoning to authorize increases in height and/or density of development beyond that permitted by the implementing comprehensive Zoning By-law in return for the provision of such facilities, services or matters that would comply with the general intent of this Plan. These could include:~~
  - ~~a) protection of the views and vistas of the St. Clair River;~~
  - ~~b) preservation of heritage buildings and features;~~
  - ~~c) provision of a community centre or other community/cultural facilities;~~
  - ~~d) provision of additional parking spaces beyond the requirements of the Zoning By-law that may be located on the site or on adjacent lands;~~
  - ~~e) provision of additional open space beyond any conveyances under the Planning Act;~~
  - ~~f) provision of additional road or servicing improvements;~~

- ~~g) preservation of woodlots or environmentally significant/sensitive areas which would not be accepted as parkland dedication; and~~
- ~~h) provision of a wide range of housing types including assisted housing or other low-income housing types.~~
- ~~The Bonus Zoning provisions of this Plan may be implemented by the Council through a By-law passed under the authority of the Planning Act, which constitutes the enabling legislation.~~
- ~~The By-law will identify areas where the bonus provisions would apply, and will:~~
  - ~~a) contain detailed development standards that would apply when the bonus is awarded. If the bonus were not awarded, the standards of the basic zoning category assigned to the site would apply;~~
  - ~~b) specify the bonus standard's relationship to the required conditions in order for these bonus standards to apply to the site;~~
  - ~~c) specify the amount by which the height and/or density of the development would be increased in exchange for certain facilities, services or matters;~~
  - ~~d) specify the matters to be addressed within the agreement. The reference in the By-law will not make the bonus awarded conditional on entering into the agreement. It should be clear that as part of the bonus being awarded and the standards applying, the agreement will be entered into; and~~
  - ~~e) be written in such a way as to ensure that discretion cannot be applied. If the conditions to be met and bonus to be awarded are all agreed to and set out in an agreement, a further rezoning should not be necessary.~~

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

## 2.5 Conditional Zoning

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

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

#### **3.1 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.

#### **3.2 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 Township of St. Clair.

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.



### **3.3 Non-Conforming Uses**

- 3.3.1** 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**

- 3.3.2** 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**

- 3.3.3** 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**

- 3.3.4** 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 sanitary sewage, storm water and water services.

**replacement or repair**

**3.3.5** 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 Township of St. Clair 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) sanitary sewage, storm water and water services are adequate.

**3.3.6 Facilitation of Development Approvals**

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

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

### **3.3.7 Pre-Consultation**

The Township shall require that adequate pre-consultation with the Township occurs prior to the submission of an application for development and shall encourage pre-consultation with other affected agencies such as the County and the Conservation Authority, where appropriate. The Township may require the provision of additional supporting information or material required to allow full consideration of the application. The scope of the information or material required for each application shall be determined by the Township and the County as part of the pre-consultation process;

The Township 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 or other matters. All required reports and technical studies should be carried out by Qualified Persons retained by and at the expense of the applicant. The Township may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the Township at the applicant's expense. In addition to Township requirements, the applicant shall ensure that all additional requirements as set out in the County of Lambton Official Plan are addressed. 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 Township will not be obligated to process or further consider those incomplete applications.

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

- a) building height;
- b) building scale and massing;
- c) set-backs;
- d) integration with existing streetscape;
- e) traffic impacts;
- f) historical context of the site; and
- g) size, number and location of units.

## **4 SITE PLAN CONTROL**

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

~~Pursuant to the Planning Act, all lands within the Township of St. Clair are designated as a proposed site plan control area.~~

The entire Township 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 Township of St. Clair 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.

### **4.2 Approval of Plans or Drawings**

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

- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under this Section.

- b) drawings showing plan, elevation and cross-section views for each building to be erected, and displaying:
  - i) the massing and conceptual design of the proposed buildings;
  - ii) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
 and
  - iii) the provisions of interior walkways, stairs, elevators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

The Township of St. Clair will work with the County to develop Site Plan guidelines that can be used by development proponents when preparing their site plans, and by the Township of St. Clair when reviewing site plans.

#### **4.2.1 Conditions to Approval Of Plans**

As a condition to the approval of the plans and drawings referred to in Section 4.2, the Township of St. Clair may require the owner of the land to:

- a) provide to the satisfaction of and at no expense to the Township of St. Clair any or all of the following:
  - i) widening of highways that abut on the land subject to the Planning Act. Widening will be in accordance with the 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;
  - 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 Township of St. Clair for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township of St. Clair or local board thereof on the land; and
  - ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- b) maintain to the satisfaction of the Township of St. Clair and at the sole risk and expense of the owner any or all of the facilities or works set out in Section 4.2.1 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 Township of St. Clair 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 4.2. Such agreements may be registered against the land to which they apply.

## **5 COMMITTEE OF ADJUSTMENT**

### **5.1 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
- e) 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.
- f) Consents that are down-delegated from the County of Lambton.

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.

## **5.2 Guidelines for Committee of Adjustment Approvals**

### **5.2.1 MINOR VARIANCE**

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

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

### **5.2.2 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 sanitary sewage, storm water and water services.

### **5.2.3 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.



## **6        LAND DIVISION**

**6.1**        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.

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

- a)        The size of any lot created must be appropriate for the proposed use having regard to the topography of the land, the siting of proposed buildings, and points of access.
- b)        The lot must front onto and have direct access to an improved public roadway that is maintained on a year round basis and is of a standard of construction adequate to accommodate the additional traffic generated.
- c)        Severances will not be granted where access to the lot will create a traffic hazard because of limited sight lines or proximity to an intersection.
- d)        Severances may be granted to adjust lot boundaries or to increase the size of existing substandard lots, provided that no new undersized lot is created.
- e)        The severance must not result in landlocked parcels.
- f)        The soil conditions must be appropriate for the services proposed, and all private water supply and/or sewage disposal must meet the requirements of the Province, the County, the Health Unit and the Township of St. Clair.
- 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.
- h)        Where development is permitted by infilling, 'Infilling' means the creation of one additional lot between two existing developed lots which are situated on the same side of the road and are not more than 100 metres apart.

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

### **6.3 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.

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

services

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

designations

- 6.3.3** 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

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

## **7 SPECIAL STUDIES**

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

## **8 CAPITAL WORKS**

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

## **9 FINANCIAL RESTRICTIONS**

The ability of the Township of St. Clair 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.

## **10 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.

### **10.1 Land Use Boundaries**

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

to the location of roads provided the general intent of the Plan is preserved. 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.

## **10.2 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.

## **10.3 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.

## **10.4 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.

## **10.5 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.

## **10.6 Public Information**

### **10.6.1** A public participation program will be undertaken in conjunction with the preparation and review of any Official Plan, Community Improvement Plan, consent or Zoning By-law. 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.

**10.6.2** 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.

**10.6.3** Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan, [consent](#) and Zoning By-law where it is determined by the Clerk or Chief Planning Official that such changes relate to a consolidation of documents, including the following matters:

- a) Deleting obsolete provisions;
- b) Altering the 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.

All changes will be adopted by Council.

## **11 Delegation of Authority**

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

11.2 The following approvals may be delegated in accordance with Policy 11 and subject to the policies of Section 11:

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

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

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

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

11.5 Where required, minor changes to zoning should be permitted which result in the appropriate development of the lands, have no detrimental impacts on adjoining properties, maintain the intent, policies, and principles of the Official Plan and the Zoning By-law, and have regard for the design principles and guidelines of this Plan and the Township, will generally be permitted.

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

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

## **12 Land Acquisition**

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

## **13 Interpretation of Maps, Schedules, Tables, and Appendices**

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

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

## **14 Guidelines**

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

## **15 Monitoring of the Official Plan**

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

- a) Growth in Housing and Employment
- b) Population Growth
- c) Decisions of the Ontario Land Tribunal that impact the Official Plan

## **16 Community Planning Permit System**

The Community Planning Permit System allows the Township to address local planning issues integrating community goals with local character, planning for new development, and streamlining development approvals. The Community Planning Permit System addresses local planning issues and reflects local character and distinctiveness through the creation of a comprehensive vision for

a particular area. The Community Planning Permit System enables consistency of planned outcomes and a vision for the area to which it applies.

#### 16.1 Applicability

The entire Township of St. Clair is a Community Planning Permit System Area.

#### 16.2 Objectives

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

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

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

#### 16.4 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.

#### 16.5 Elements in a By-law

- a) Community planning permit by-laws shall set out permissible uses and development standards with specified minimum or maximum limits.
- b) The Community Planning Permit By-Law may permit a use as a discretionary use, or permit a use not specifically listed as a permitted use in the Community Planning Permit By- Law, provided that the proposed use is similar to, and compatible with, the listed permitted uses;



- would have no negative impact on adjoining properties; and would maintain the intent, principles and policies of this Plan.
- c) The Community Planning Permit By-law may allow for defined variations to the standards and provisions outlined in the Community Planning Permit By-Law. Such variations will only be permitted if they are consistent with the policies of the Official Plan and the specific background study.
  - d) Community planning permit by-laws may prohibit land uses.
  - e) Community planning permit by-laws may exempt certain types of development from a permit.
  - f) Community planning permit by-laws may include inclusionary zoning requirements.
  - g) Community planning permit by-laws shall establish criteria to evaluate the use and development of land and may include one or more of the following, in addition to any other area specific criteria arising from the background study and community engagement:
    - i. the built environment, such as, patterns of streets and blocks, the mix and location of land uses, the public realm, built form, and heritage resources
    - ii. the human environment, such as, housing, community and recreation services and facilities, parks and open spaces;
    - iii. protection, restoration and enhancement of the natural environment;
    - iv. transportation and municipal infrastructure and servicing; and,
    - v. the appropriate phasing of development.
  - h) The Community Planning Permit By-law may provide that a community planning permit may be issued to permit, as a discretionary use, an extension to a legal non-conforming use or change in use of a legal non-conforming use, provided that the proposal is desirable in order to avoid hardship; that it would have no negative impact on adjoining properties; and that it would maintain the intent, objectives, principles and policies of this Plan and the objectives of the By-law.

## **16.6 Complete Application**

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

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

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

#### 16.7 Conditions of Approval

- a) requiring that the development does not occur until municipal services are available to the site;
- b) providing adequate on-site and off-site service or road infrastructure and works as necessary to service the proposed development;
- c) conveying part of the land to the Town to the satisfaction of, and at no expense to, the Town for a parkland, public roads or transit right-of-way or providing cash-in-lieu of same;
- d) maintaining the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- e) maintaining vegetation and landscaping;
- f) monitoring the impact of the development on the environment and adapting property management activities to mitigate any identified impacts;
- g) Implementing the recommendations of any technical reports submitted in support of the application;
- h) requiring that appropriate mitigation is undertaken prior to development occurring where site contamination or other environmental constraints are present and/or that satisfactory verification of suitable environmental site condition is received by the Town;
- i) requiring that any archaeological features are identified and appropriately protected prior to any site alteration or grading;
- j) Providing streetscape features within the municipal road allowance to implement streetscape guidelines established by Council.

#### 16.8 Delegation

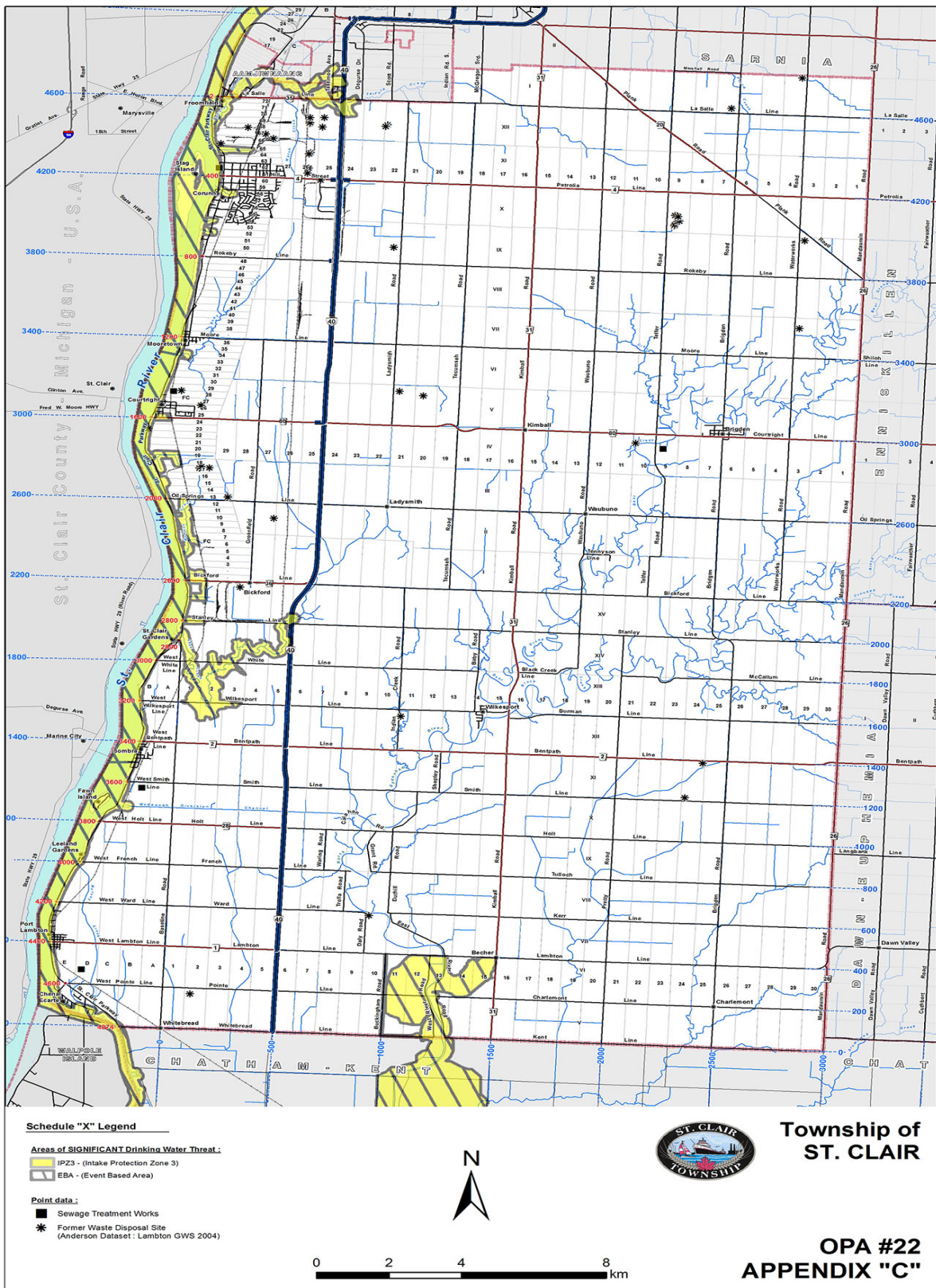
Council may delegate to staff the approval or issuance of permits and execution of agreements. Limits on and criteria for such delegation will be established in the Community Planning Permit By- Law.

16.9 Agreement

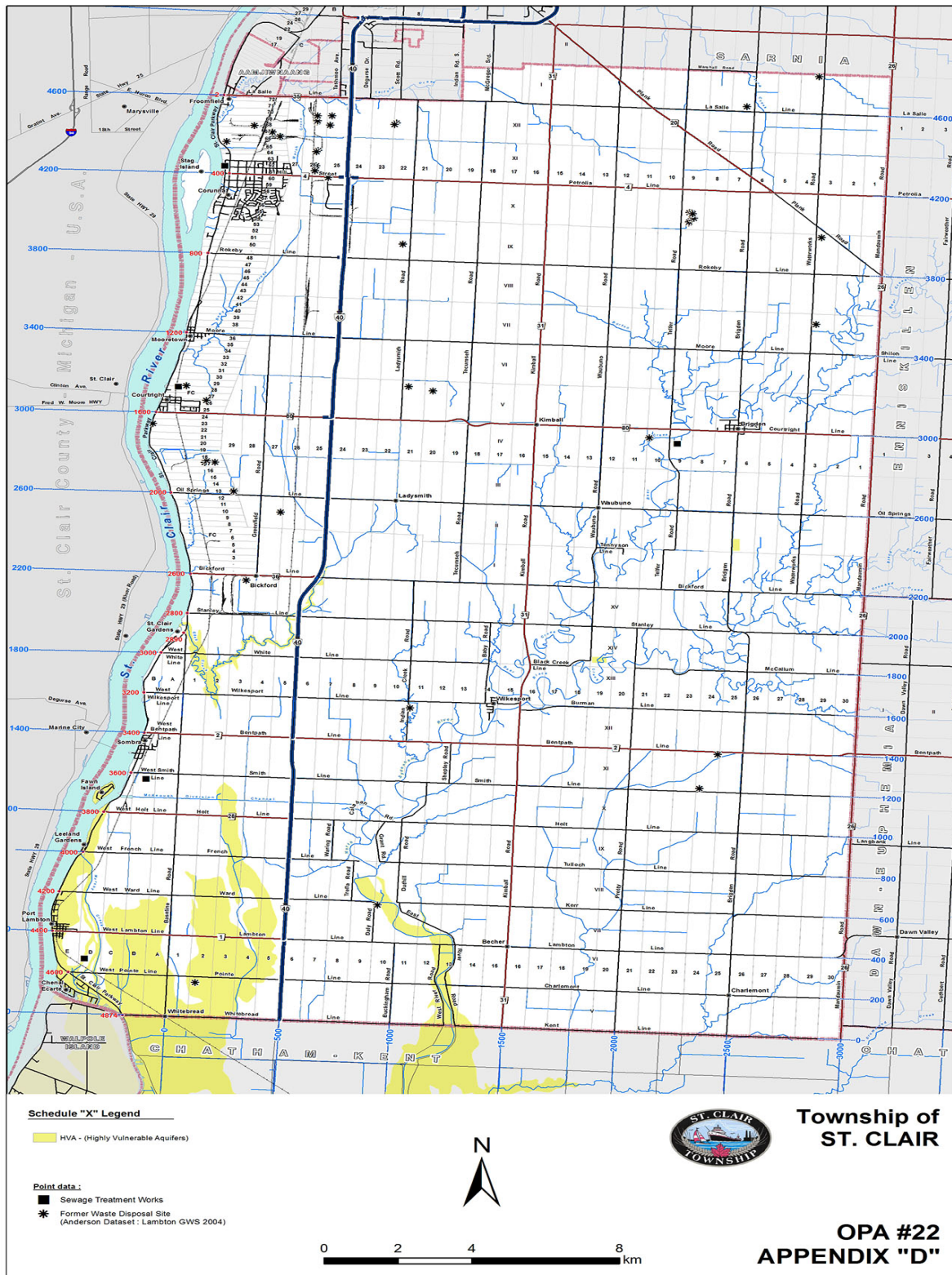
The Community Planning Permit by-law may require an applicant to enter into and register on title an agreement with the Town, enforceable against current and future owners, dealing with some or all of the conditions imposed on a development permit.

33.10 Financial Securities

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







**SOURCE WATER PROTECTION DEVELOPMENT APPLICATION**

**CLEAN WATER ACT – S59 SCREENING LONG FORM**

**Project Information**

- 1) Does the proposal involve fuel handling  $\geq 15,000$  lit ☐ Yes ☐ No
- 2) Does the proposal involve handling of fertilizer  $\geq 124,000$  kg? ☐ Yes ☐ No

**Source Water Protection Information**

- 3) Is the subject property within an IPZ (Intake Protection Zone)? ☐ Yes ☐ No
- 4) Is the subject property within an Event Based Threat Area? ☐ Yes ☐ No

**Property & Contact Information**

- 5) Name of Applicant: \_\_\_\_\_
- 6) Name of Landowner: \_\_\_\_\_
- 7) Contact Information Address: \_\_\_\_\_
- 8) Telephone / Cell Number: \_\_\_\_\_
- 9) Contact's Email Address: \_\_\_\_\_
- 10) Municipal Address of Subject Lands: \_\_\_\_\_
- 11) Legal Description of Subject Lands: \_\_\_\_\_

**Proposal**

- 12) Check Box Below:

- |  |  |
|--|--|
| <input type="checkbox"/> New Structure                             | <input type="checkbox"/> New Pipelines/geothermal (pathways) |
| <input type="checkbox"/> New Land Use or Change of Land Use        | <input type="checkbox"/> New or Replacement Septic Systems   |
| <input type="checkbox"/> Expansion/Conversion of Existing Land Use | <input type="checkbox"/> New Well                            |

Note Section 27, Ontario Regulation 287/07 requires the municipality to notify the SPA (Source Protection Authority) and SPC (Source Protection Committee) when a new transportation pathway may be created i.e. infrastructure lines.

**Classification**

13) Check Box Below:

☐

Residential

☐

Industrial

☐

Home Business

☐

Commercial / mix use

☐

Agricultural

☐

Institutional / Open Space

☐

Other

14) Provide a Brief Description of the Proposal or Activities:

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15) Include a Sketch or Map of the Development.

**Planning Information** (see planner of the municipality)

16) Official Plan Designation : \_\_\_\_\_

17) Official Plan Document Name : \_\_\_\_\_

18) Current Zoning: \_\_\_\_\_

**Prescribed Instrument**

19) Is the subject property requiring a prescribed instrument?

☐

Yes

☐

No

**Potential Threats Associated with Proposed Activity**

A drinking water threat as defined under the Clean Water Act as "an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water".

Please note that activities that are or may be significant drinking water threats will vary in each vulnerable area.

20) Please Check All Activities that May Be Associated With the Development Proposal

- |                          |      |   |
|--------------------------|------|---|
| <input type="checkbox"/> | 1.   | Fuel Handling or Storage  |
| <input type="checkbox"/> | 1 a) | 15,000 l and greater but less than 34,000 l   |
| <input type="checkbox"/> | 1 b) | 34,000 l or greater   |
| <input type="checkbox"/> | 2.   | Chemical Handling   |
| <input type="checkbox"/> | 2.a) | Handling or Storage of Nitrogen Based Fertilizers 124,000 kg or greater                       |
| <input type="checkbox"/> | 3.   | Road Salts, Brines, or Ice Melt Materials   |
| <input type="checkbox"/> | 4.   | Snow Storage  |
| <input type="checkbox"/> | 5.   | Waste Disposal  |
| <input type="checkbox"/> | 6.   | Stormwater Management   |
| <input type="checkbox"/> | 7.   | Septic Systems  |
| <input type="checkbox"/> | 8.   | Agricultural Uses   |
| <input type="checkbox"/> | 8.a) | Application, handling or storage of fertilizers and pesticides                                |
| <input type="checkbox"/> | 8.b) | Application, handling or storage of source materials i.e. manure or non-agricultural material |



21) **SIGNATURE OF APPLICANT**

I, \_\_\_\_\_, certify that the information provided is accurate and  
(print name)  
 complete to the best of my knowledge. I understand that incomplete or inaccurate information may result in future involvement of the Risk Management Official to ensure compliance with applicable Provincial legislation.

If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Date

Staff Section

Please submit this form to the RMO office c/o the Township of St. Clair

Identify building permit no./application file name \_\_\_\_\_

(edits to this form shall not require an amendment to the Official Plan)