

**TOWNSHIP
OF
ST. CLAIR
OFFICIAL
PLAN**



Prepared by Lambton County
Planning & Development Department

Consolidation
January 2023

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

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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.

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.

PART B

LAND USE POLICIES

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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 and horticultural crops; raising of livestock and other animals for food, or fur, including poultry and fish; aquaculture; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accessory farm dwellings.

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;
- 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;
- 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) 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.

lot size

- 1.4** The minimum lot size for agricultural uses will generally be 40 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 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** New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the Minimum Distance Separation formulae.

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.

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 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

- 1.10** On-farm economic diversification will be encouraged as a means of contributing to the economy of the “Agricultural” designation.

Such uses will be subject to the following policies:

- a) the use must be clearly secondary to the principle agricultural use of the lot;
- 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.;
- e) site plan approval and site plan agreements may be required; and
- f) the severance of secondary uses from the farm lot will not be permitted.

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;
- 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;
- g) the use is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agriculture activities;
- h) the use does not negatively affect environmental features; 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 hectares in size. Despite this lot area requirement, the lot may be severed from an agricultural lot that is less than 40 hectares provided that the agricultural land is added to an abutting agricultural lot.

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.
- e) Second Dwelling Units may be considered in accordance with the policies of B.2.2.21. (OPA #17)

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, 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 Lambton County Tree Protection By-law that regulates the cutting of certain trees and woodlots.

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;
- b) to enlarge lots;
- c) to consolidate farm holdings; and
- d) to allow minor lot line adjustments.

2 RESIDENTIAL

The policies of this section are intended to apply to lands 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** The primary residential uses permitted within the “Residential” designation are low density housing types, not exceeding 20 units per hectare (8 units per residential acre), including single and semi-detached dwellings, duplexes, and triplexes, including building conversions to such uses as well as temporary garden suites.

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

- a) Medium-density attached dwellings up to a maximum density of 35 units per residential hectare (14 units per residential acre);
- b) High density multiple family dwellings up to a maximum 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.

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. 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.

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.

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.

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; and
- d) adopting alternative development standards where deemed appropriate by the Township of St. Clair.

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.

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;
- 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.

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:

- 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.

- f) The Zoning By-Law shall set out municipal zoning standards for second dwelling units. The severance of a second dwelling unit shall be prohibited.

2.3 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 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 will be considered to be a home occupation.

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.

2.3.4 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. The gross floor area of the use shall not exceed 225 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 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.

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.

Secondary uses

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

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.

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 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 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 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 are 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, 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.

- 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.

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.

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 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.

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.

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. 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.

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;
 - 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; and
 - d) New Institutional uses will be strategically located in relation to the population served.

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;
- 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.

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.

15.2 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.**

16.1 General Policies

permitted uses

- 16.1.1** The use of lands in Hazard and Environmental Protection 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" 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” designation may be permitted without an Official Plan amendment provided that a detailed assessment of the sensitive area and/or hazard has been undertaken to the satisfaction of the 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.

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. 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” 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.

parkland dedications

- 16.1.8** Where new development includes lands within a Hazard and Environmental Protection Area, such lands may 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.

land severances

- 16.1.10** Land severances in Hazard and Environmental Protection 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 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.

designation boundaries approximate

16.1.13 The boundaries of the “Hazard and Environmental Protection” 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.

zoning

16.1.14 The “Hazard and Environmental Protection” 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’, 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.

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 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, 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.

woodlot management

- 16.2.7** In accordance with the Lambton County Tree 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" designations. The replacement tree stock should consist of indigenous species where quality stock is available and be maintained by the proponent to the free to grow stage. Long term management of these replacement trees will comply with the County of Lambton Tree Cutting 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, satisfactory to the Township of St. Clair as a condition of approval. The Tree Saving Plan shall:
- a) contain an inventory of existing tree species and condition;
 - b) indicate the impact of development on existing trees and the wild life habitat that they provide;
 - c) indicate measures necessary to reduce the negative effect of development;
 - d) indicate the trees to be removed and ensure the preservation of the remaining trees;
 - e) indicate a plan for the replacement of trees with suitable quality stock, preferably of indigenous species, and maintenance of replacement trees to a free to grow stage;
 - f) be included in the development agreement; and
 - g) incorporate the requirements of an Environmental 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.

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.

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 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 FLOOD PLAIN POLICIES

regulatory flood standard

- 16.3.1.1** 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

- 16.3.1.2** The flood plain for major watercourses exhibiting valley topography is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will be determined in consultation with the local Conservation Authority.

All buildings and structures will be prohibited 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" permit from the local Conservation Authority.

two zone concept

- 16.3.1.3** Floodplain lands that do not fall within the boundaries of the ‘Environmental Protection’ 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

- 16.3.1.4** 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

- 16.3.1.5** 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.

16.3.2 UNSTABLE LAND

setbacks from slopes

- 16.3.2.1** 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

- 16.3.2.2** 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.
- 16.3.2.3** 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.

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 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:

	Road Classification	Road Allowance Width (minimum)
	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 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.

1.1.6 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.

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).

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.

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- 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.

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.

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.

3 MUNICIPAL SERVICES, STORMWATER MANAGEMENT AND SENSITIVE LAND USES

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 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; and
- 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.

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 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.

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.

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.

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.

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;
- d) 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.

3.4 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.

3.5 Decommissioning

Where a change in land use is proposed and the previous or existing use has the potential to cause environmental contamination, the site will be restored as necessary prior to any activity on the site associated with the proposed use such that there will

be no adverse effect. Adverse effects include one or more of the following: impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or plant and animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for use by humans; loss of enjoyment of normal use of property; and interference with normal conduct of business.

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.

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.

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 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 Policies

cultural and built heritage

- 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.

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.

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.

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.
- 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" 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 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 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.

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.

4 ENERGY CONSERVATION

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.

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 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.

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; 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

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;

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- 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.

5.4.2 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.

5.4.3 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

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.

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.

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.
- 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.

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- 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

In accordance with the Planning Act, a special meeting of Council, open to the public, will be held at least once every five 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.

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. However, should Council refuse to pass an amending By-law to remove the holding symbol if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner.

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

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;

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- 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.

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.

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 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 has approved one or both, as Council may determine, of the following:

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

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.

authority

- 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.

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 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.

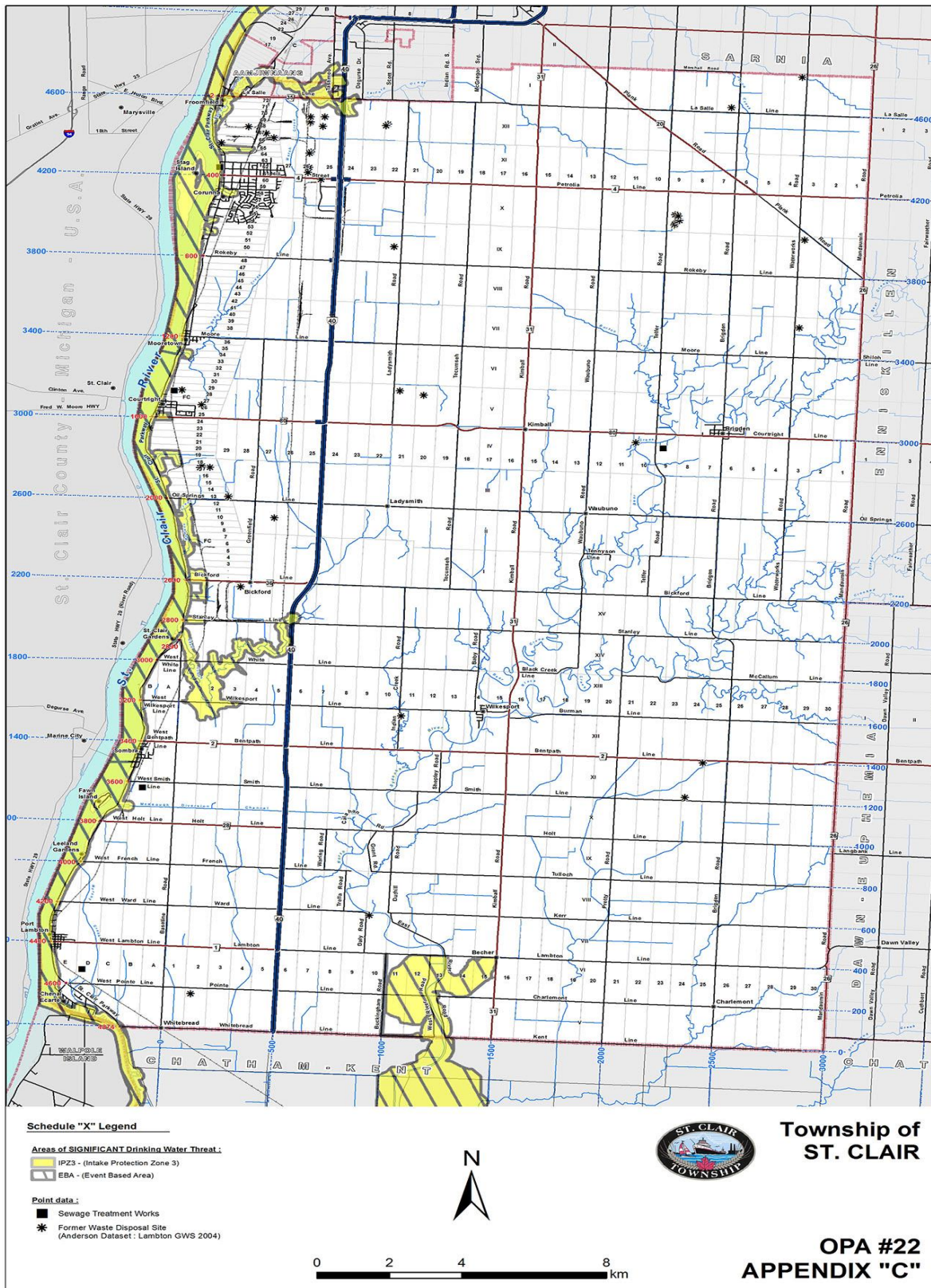
10.6.2 Where a planning proposal or amendment requires changes to more than one document, Council or the Planning Committee of Council may hold a public meeting to consider the proposed changes jointly, and the public notification procedures for such a meeting will be in accordance with provisions set out in this section, and notification may be joint.

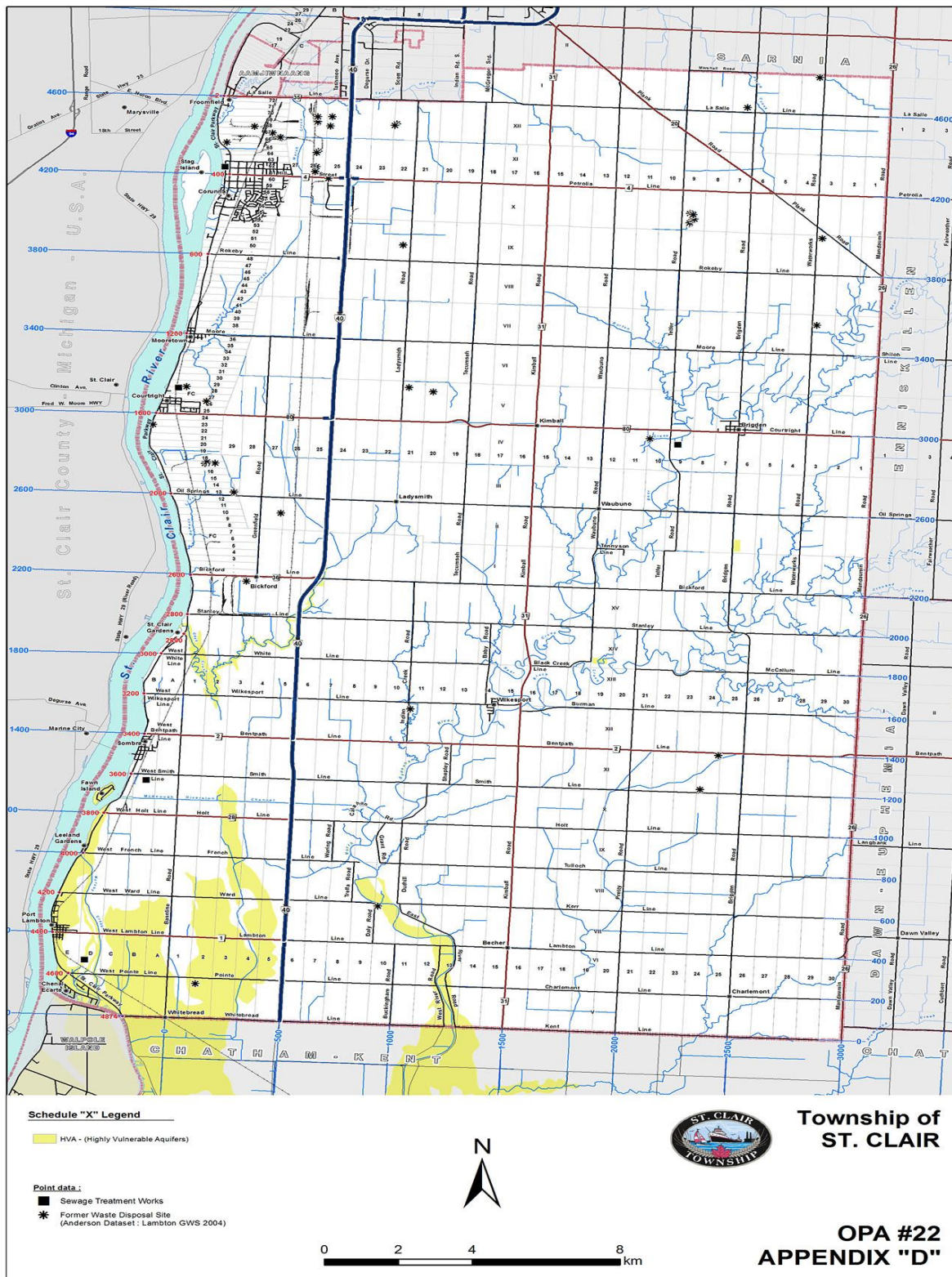
10.6.3 Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan and Zoning By-law where it is determined by the Clerk or Chief Planning Official that such changes relate to a consolidation of documents, including the following 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.





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:

☐

New Structure

☐

New Pipelines/geothermal (pathways)

☐

New Land Use or Change of Land Use

☐

New or Replacement Septic Systems

☐

Expansion/Conversion of Existing Land Use

☐

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:

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)