



**OFFICIAL PLAN
OF THE
MUNICIPALITY OF KINCARDINE**



March 23, 2006

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

BY-LAW NO. 2006-089

**A BY-LAW TO ADOPT A NEW OFFICIAL
PLAN FOR THE MUNICIPALITY OF KINCARDINE**

WHEREAS Section 17(1) of the Planning Act, S.O.1990, cP.13, authorizes the Council of a municipality to provide for the preparation of a plan suitable for adoption as the Official Plan of the Municipality;

AND WHEREAS the Council of the Corporation of the Municipality of Kincardine desires to adopt a revised Official Plan for the Municipality of Kincardine;

NOW THEREFORE the Council of the Corporation of the Municipality of Kincardine ENACTS as follows:

1. That the Official Plan for the Municipality of Kincardine attached as Schedule "A" to this By-Law is hereby adopted;
2. The Clerk is hereby authorized and directed to make application to the County of Bruce for approval of the new Official Plan for the Municipality of Kincardine;
3. That upon approval of this Official Plan, the current Official Plan for the Municipality of Kincardine as enacted by By-Law 1987-20 passed on the 19th day of February, 1987 be and the same is hereby repealed;
4. This By-Law shall come into force and effect on the day of final passing thereof.

Mod # 2

READ A FIRST AND SECOND TIME THIS _ DAY OF JUNE 2007

Mayor

Clerk

READ A THIRD TIME AND FINALLY PASSED THIS ___ DAY OF JUNE, 2007

Mayor

Clerk

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SCHEDULES

- “A” LAND USE PLAN –Community of Kincardine
- “B” LAND USE PLAN –Community of Tiverton
- “C” LAND USE PLAN – Lakeshore Area

SECTION "A" - INTRODUCTION AND PURPOSE

A1 INTRODUCTION

A1.1 TITLE

This Plan shall be known as:

“THE OFFICIAL PLAN OF THE MUNICIPALITY OF KINCARDINE”

A1.2 COMPONENTS

The following text, consisting of Sections "A" through "H", together with the attached Schedules "A", "B" and "C", shall form the Official Plan of the Municipality of Kincardine. Background information from which the policies of the Plan were derived is available.

Mod # 6

All grammatical or typographical errors that do not change the intent of this Official Plan shall be incorporated, without an Amendment to this Plan.

Mod # 1

A1.3 BACKGROUND

This Plan is the first Official Plan that covers the settlement areas within the Municipality of Kincardine in a single planning framework. The Municipality of Kincardine includes four former Municipalities and comprises approximately 578 square kilometres of land. This Plan replaces the previous Official Plan for the Town of Kincardine which was adopted by Council in 1987 as well as the Tiverton Secondary Plan and the Kincardine Township Lakeshore Secondary Plan. It also provides local planning policies for the Community of Inverhuron and the Bruce ECO-Industrial Park. Lands outside of these specific areas continue to be subject to the County of Bruce Official Plan. The previous Official Plan for the Town of Kincardine covered only the Kincardine Urban Area. Land uses outside of the settlement areas shown on Schedules ‘A’, ‘B’ and ‘C’ are covered under the BCOP.

Mod #7

This Plan has been developed following the preparation of discussion papers and a series of public workshop sessions. The Plan also implements the Bruce County Official Plan and is consistent with the Provincial Policy Statement.

The consolidation of this information and input has resulted in the following model for the future development of the Municipality:

- A coordinated, integrated and comprehensive approach will be encouraged by the Municipality when dealing with planning matters.

- New development will preserve the quality of life and the quality of the environment.
- Economic opportunities will be encouraged and enhanced throughout the Municipality.

The Official Plan shall serve as the basis for managing change in the Municipality to the year 2026. The goals, objectives and policies contained in this Plan are intended to guide the decisions of public authorities and private interests in order to maintain the liveable and attractive community within the Municipality.

Mod #8

All public and private work shall be in conformity with this Official Plan. In addition policies in the Bruce County Official Plan and the Provincial Policy Statement as well as provisions of the Planning Act may affect future development.

A1.4

SCOPE OF THE PLAN

Mod # 9

This Official Plan will apply to the areas within the boundaries of the Municipality of Kincardine, as identified on Schedules ‘A’, ‘B’ and ‘C’ of this Plan. Schedules A, B and C show the extent of the Plan designations and urban boundaries. Where the external boundaries of urban areas abut or are located immediately adjacent to roads, rights-of-way, railways, transmission lines, lot lines, concession lines and watercourses, it is intended that these boundaries shall coincide with such features. Major deviations from urban or designation boundaries will require an Amendment to this Plan.

OPA # 5
2012-042

A1.5

INTERPRETATION

The boundaries between land uses designated on Schedules A, B and C are approximate except where they coincide with major roads, railway lines, rivers, transmission lines or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to the boundaries will not require an amendment to this Plan.

All numerical figures in the Plan should not be interpreted as absolute and rigid. Minor variations from them will be tolerated providing the intent of the Plan is maintained. An exception, however, is the extent of road widening that may be acquired through site plan control, specified in Section H6.1, which may not be exceeded.

A1.6

UPPER TIER PLANS

This Plan is intended to conform with the Official Plan for the County of Bruce and to be consistent with the Provincial Policy Statement. In the event of conflict between these documents it is intended that the upper tier plans shall prevail.

However, this Plan may be more restrictive than the upper tier Plans, in which case the more restrictive provisions of this Plan shall prevail.

A2 PURPOSE OF THE PLAN

The Official Plan provides a structural framework for future growth and development in the Municipality of Kincardine to the year 2026. In accordance with the Planning Act, this Plan will be reviewed every five years to determine if it continues to represent appropriate guidelines for the future development of the Municipality.

The purpose of this Official Plan is as follows:

A2.1 To provide policies to guide future development within the Municipality of Kincardine, encourage an on-going programme for this development and guide the Municipality towards the fulfilment of the goals and objectives of this Plan.

A2.2 The Official Plan is one of a series of policies, guidelines and regulations that direct the actions of the Municipality and shapes growth and development. The goals, actions and policies contained in the Official Plan are intended to assist Council and its committees, municipal staff, developers, government agencies and the public in making decisions which maintain and strengthen the economic, environmental and social fabric of the Municipality. The policies in this Plan are intended to encourage a coordinated, integrated and comprehensive approach when dealing with planning matters.

The Planning Act provides that all Municipal By-Laws and public works undertaken must be in conformity with the Official Plan.

A2.3 To provide a consistent policy framework to guide the private sector in making decisions concerning future development and investment within the Municipality of Kincardine.

SECTION "B" - BASIS OF THE PLAN

B1 BASIS OF THE PLAN

Mod # 10

The Municipality of Kincardine was formed by the amalgamation of the four former municipalities of the Town of Kincardine, the Township of Kincardine, the Township of Bruce, and the Village of Tiverton. As a result of government restructuring in 1999 the four municipalities were amalgamated to form the Municipality of Kincardine.

Mod #11

The amalgamated Municipality comprises approximately 578 square kilometres of land and as of 2005 had approximately 12,000 residents. This Official Plan governs the Municipality of Kincardine as represented in Schedules 'A', 'B' and 'C'. Developed areas and future development areas of the rural and agricultural areas not covered by this Plan continue to be governed by the County of Bruce Official Plan.

The policies set out in this Official Plan have been determined following a process of background review and public consultation. The following facts are included in the Plan to explain the reasoning behind the policies contained in the Plan.

B1.1

OPA # 5
2012-042

It shall be the intent of the Official Plan to provide policies to guide development in the Municipality of Kincardine to the year 2026. It is intended that a formal review of the policies shall be undertaken if necessitated by a major shift in circumstances which invalidates the basic assumptions upon which this Plan is based. There should also be a formal review of these policies at least every five years to be informed by the Bruce County Housing Study, as amended from time to time.

B1.2

Within the Municipality it is intended that an adequate supply of land will be provided for an appropriate mix and range of employment to meet long term needs, including a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and which take into account the needs of existing and future businesses. Within designated employment lands opportunities for infilling and intensification will be promoted. It is the intent to promote the continued development of a strong tourist industry.

B1.3

Mod #12

The projected population of the Municipality in the year 2026 is between 14376 to 14773. This growth represents approximately 2314 to 2712 new residents over the 22 year period from 2004 to 2026.

B1.4

OPA # 5
2012-042

The following are estimates of distribution of new residents throughout the Municipality by the year 2026, to be informed by the Multi-Year Sewage and Water Servicing Plan:

| AREA | PERCENTAGE OF POPULATION | # OF PEOPLE | |
|-----------------------|--------------------------------|-------------|------|
| | | Low | High |
| Kincardine Urban Area | 85% | 1967 | 2306 |
| Tiverton Urban Area | 5% | 115 | 135 |
| Inverhuron/shoreline | 10% | 232 | 271 |
| TOTAL | 100% | 2314 | 2712 |

B1.5 Deleted in its entirety by OPA # 5 (2012-042)

B1.6 The Kincardine Urban Area is constrained to the west by Lake Huron, the Municipal boundary to the south and to a certain extent by Highway 21 to the west. Expansion of the community will occur most logically to the north.

B1.7 The Official Plan will provide land for residential, commercial and industrial growth, thereby encouraging a diverse economic base for Kincardine.

B1.8 The Central Business District will continue to play a major role in the retail, office and institutional fabric of the community and will be the main focus of commercial activity in the Municipality.

B1.9 The Municipality will plan for sewage and water services by completing a Multi-Year Sewage and Water Servicing Plan and shall direct and accommodate expected growth in a manner that promotes the efficient use of existing municipal sewage and water services. These systems are provided in a manner that can be sustained by the water resources upon which such services rely, is financially viable and complies with all regulatory requirements and protects human health and the natural environment.

OPA # 5
2012-042

B1.10 The qualities that make the Municipality a desirable place to live and a tourist destination are created largely by the recreational attributes associated with Lake Huron, and the historical and cultural character of the Kincardine and Tiverton Urban Areas.

B1.11 The economy of the Municipality is dominated by the Bruce Nuclear Power Development (BNPD), one of the world's largest independent power generating facilities.

B1.12 Agriculture, tourism and retail also continue to play an important role in the economy of the Municipality as well as contributing to the character of the area.

B1.13 The Kincardine airport is important to future growth and accessibility of the area and shall be protected.

B1.14 This Plan recognizes “Municipality of Kincardine Waterfront Development Plan” and the “Strategic Plan (2004) for the Municipality of Kincardine” as two important reference documents. These documents provide a direction and focus for the community and assist in achieving the various goals and objectives of this Plan.

SECTION "C" - GENERAL DEVELOPMENT POLICIES

C1 GENERAL LAND USE

This section establishes general policies relating to the various land use categories designated on Schedules A, B and C.

C1.1 GOAL

Development in the Municipality of Kincardine will occur in an orderly fashion, which provides the best possible quality of life for its residents.

C1.2 OBJECTIVES

C1.2.1 Land use within the Municipality shall occur as far as possible in a manner which ensures that different land uses are compatible with one another, or that safeguards are provided to prevent adverse effects of one land use upon another.

C1.2.2 Land use in the Municipality will be guided by the policies of this Plan, which will be implemented by means of the Zoning By-Law.

C1.3 POLICIES

C1.3.1 In any case where the uses permitted by the Zoning By-law conflict with the intended uses indicated by this Plan, it is intended that an amendment to the Zoning By-Law shall only be made in conformity with this Plan.

C1.3.2 Buffers will be provided between different land uses to ensure that adverse effects of adjacent land uses on each other are minimized.

C1.3.3 Given that a sensitive land use may be adversely affected by the noise emissions from an industrial use, the Comprehensive Zoning By-Law shall require all sensitive land uses to be setback from an industrial use in accordance with the Ministry of the Environment "Noise Assessment Criteria in Land Use planning [Publication LU-131].

C1.3.4 An appropriate range of housing types and densities to meet projected requirements of current and future residents shall be encouraged. Densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of alternative transportation modes will be encouraged.

C1.3.5 The orderly development of the Municipality, in accordance with the designations of this Plan, shall be encouraged. No public work shall be undertaken and no By-Law shall be passed for any purpose which does not comply with the provisions of this Plan.

C1.3.6

OPA # 5
2012-042

The Municipality recognizes the desire of Aboriginal communities to be engaged in development proposals, particularly related to archaeological, environmental and cultural resources. Proponents of new development are advised to engage the Aboriginal communities to determine potential impacts on resources, aboriginal interests and other cultural values including the manner in which resources and features are dealt with.’

C1.3.7

Brine extraction is known to have occurred adjacent to the Lake Huron Shoreline within the area bounded on the south by Albert Street, on the east by Queen Street and on the north by Lambton Street. In this area, before any Building Permits are issued or development agreements approved, the Municipality shall, in consultation with the Ministry of Natural Resources, ensure that the developer has reviewed all available information and identified any known abandoned oil, gas or brine wells, and that any necessary corrective measures to eliminate any hazard will be taken. In addition, Council will advise applicants that should old brining wells or flow of water, especially salt water, be encountered during the course of construction, the Petroleum Resources Section, Southwest Region, Ministry of Natural Resources, should be contacted.

C2 ENVIRONMENT

C2.1 GOAL

C2.1.1 The quality of the natural environment of the Municipality of Kincardine shall be preserved and enhanced.

C2.1.2 Development shall be directed away from areas of natural or human made hazards where there is an unacceptable risk to public health, safety or of property risk.

C2.2 OBJECTIVES

C2.2.1 The use and protection of natural features such as the Penetangore River Valleys and the Lake Huron shoreline shall be promoted in order to enhance the urban environment.

C2.2.2 The Plan shall provide policies and guidelines for the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

C2.2.3 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

C2.2.4 There is an absence of mapping showing the various components of the natural features. As such, this Plan will rely on Natural Environmental designation mapping, ANSI mapping and Wetland mapping to achieve much of the Municipality's environmental goals and objectives.

Therefore, new development proposed in or adjacent to these areas must also address all of the applicable natural environment features.

As mapping becomes available or future studies identify these natural areas, they will add to the Schedules of this Official Plan by amendment to the Plan. The Municipality agrees to encourage the completion of these studies to determine the boundaries of these natural environment areas.

C2.3 POLICIES

C2.3.1 Development and site alteration shall not be permitted in significant habitat of endangered species and threatened species, significant wetlands and significant coastal wetlands.

C2.3.2 Development and site alteration shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest.

Mod #14

Where development is proposed within 120 metres of a significant woodland, as shown on Schedules 'A' and 'C', Council shall be satisfied that the proposed development will not have a negative impact on the ecological functioning of the woodland or on the visual appearance of the woodlands in the immediate vicinity. Council or the approval authority, in consultation with relevant review agencies, may increase the distance if warranted by the specific features in the general area of the proposed development.

As part of any submission for Official Plan Amendment, Zoning By-law Amendment, Consent or Plan of Subdivision or Plan of Condominium, a Comprehensive Environmental Evaluation Report (CEER) shall be prepared by a qualified professional and submitted to the Municipality in order to form part of a complete application. It is the policy of Council to allow for the waiving of the requirement for the preparation of a CEER upon recommendation of the appropriate authority if the proposal is of such a minor nature or site conditions are such that the preparation of a CEER would serve no useful purpose for the protection of the significant environmental features. Applicants are strongly advised to consult with the approval authority and relevant review authorities prior to making an application.

The CEER shall address the impact of proposed development in the vicinity of the woodlands, to the satisfaction of the Municipality in consultation with the Saugeen Valley Conservation Authority, and will include:

An Environmental Impact Study as described in [Section D7.6](#) that includes the following:

- A detailed inventory of the woodland, and mapping of the extent of the woodland;
- The impact on the woodland of existing and proposed drainage (surface and subsurface) required for the proposed development;
- An analysis of the role of the woodland in the area, and particularly whether the woodland is part of a larger wildlife or natural features corridor or link;
- Identification of any rare or endangered species habitat in or in the vicinity of the woodland, and the identification of species habitat of conservation concern;
- Identification of methods to ensure the long term health and viability of the woodland.

C2.3.3 Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage.

Mod #15

No new development with the exception of Open Space uses, shall be permitted on former landfill sites. Where such sites are presently developed for uses other than Open Space uses, the site and adjoining properties shall be monitored for potential methane gas accumulation. Existing landfill facilities shall be protected from incompatible land uses.

No new lots shall be created within 500 metres of an identified sanitary landfill site without the approval of the appropriate authority. This policy shall generally not prohibit development on existing lots of record or within fully serviced urban areas.

C2.3.4 All development proposals adjacent to natural heritage features identified in [Section C2.3.2](#) shall show existing natural heritage features, and indicate, how they will be retained during development. The Municipality may also utilize Section 41 of The Planning Act, to control development and ensure that adequate measures are taken to protect a site's natural features.

Mod #16

C2.3.5 The Penetangore River Valleys and Lake Huron shoreline shall be utilized to form a comprehensive parks system and be protected as natural environment. In addition to providing recreational opportunities for the residents of the Municipality, these natural features also provide a basis for Tourism activity within the Municipality.

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified unless the ecological function of the

adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

- C2.3.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. It is the intent of the Municipality to promote the wise management of the fishery resource and to participate in efforts aimed at ensuring the long term economic, tourism and recreational benefits to the area that the fishery resource provides.

In considering new development proposals that may affect fish habitat, the Municipality shall require the submission of an analysis that the development will have on fish habitat, with such analysis including remedial measures to be undertaken in regard to fish habitat protection or improvement. Prior to development proceeding, the Municipality shall circulate the report to the appropriate government bodies for analysis, which shall include the Saugeen Valley Conservation Authority.

Prior to undertaking any public works adjacent to watercourses, the Municipality shall consult with the Saugeen Valley Conservation Authority to determine what design requirements, if any, are necessary to eliminate adverse impacts on the fishery habitat, including water quality requirements.

Council shall encourage and support local groups and organizations, as well as the provincial government and other agencies in their efforts to maintain or improve the quality of fishery habitat within the Municipality in accordance with relevant fish management legislation.

In addition, Council will encourage the naturalization of stream valleys and shoreline areas to improve water quality throughout the Municipality.

- C2.3.7 In order to control flooding, ponding, erosion and sedimentation, and to protect as much as possible aquatic habitat and water quality, appropriate stormwater management techniques shall be required for new development. Stormwater management plans, or similar types of plans, shall be provided to Council and reviewed in conjunction with the Saugeen Valley Conservation Authority, or other appropriate provincial ministries.

Stormwater management plans may be required for any development as determined by Council in consultation with the SVCA, if runoff from the location could potentially affect adjacent lands or water quality.

Stormwater management plans shall be required for all development consisting of more than five new residential lots or for commercial or industrial developments with large amounts of impervious area.

Developments shall be designed to use the prevailing and accepted stormwater management practices at the time.

C2.3.8

Mod #17

The Municipality acknowledges the need to identify the significant woodlands and those portions of the woodlands that need to be protected from negative impacts that may be associated with multi-lot development. The Municipality will strive to have completed a Natural Heritage study for the Huron Fringe area of the Municipality and within the Local Official Plan area.

No new residential multi-lot development shall be permitted in the area that would meet the qualifications of Significant Woodlands.

C3 HERITAGE CONSERVATION

C3.1 GOAL

The conservation and preservation of buildings, areas and landscapes of historic or architectural significance, including archaeological sites shall be encouraged.

C3.2 OBJECTIVES

C3.2.1 Buildings and sites in the Municipality which are of particular historic or aesthetic value will be protected through the co-operation of Council and the Local Architectural Conservation Advisory Committee (LACAC), Heritage Kincardine.

C3.2.2 Sites in Kincardine of archaeological significance will be protected and conserved through the cooperation of Council and the Ministry of Citizenship, Culture and Recreation. Council will therefore facilitate survey by Government or private agencies should those agencies deem it necessary, and will encourage the preservation or rescue excavation of archaeological resources which may be entailed in any future development.

Significant built cultural heritage resources and significant heritage landscapes shall be conserved.

C3.3 POLICIES

C3.3.1

Mod #18

To review all development and redevelopment proposals in terms of their impact on the area's heritage resources.

C3.3.2

Mod #18

To use all appropriate means available to ensure development and redevelopment proposals are compatible with the heritage resources and existing character of the Community.

C3.3.3

Mod #18

To encourage organizations such as Heritage Kincardine to assist Council to establish an ongoing facade improvement program, promoting the use of the facade design guidelines through annual design awards, design workshops and pamphlets, and display of old photos and before and after pictures.

C3.3.4

The purpose of heritage groups is to assist the Municipality in identifying buildings and districts suitable for historic designation. The following guidelines may be considered by such groups and Council when assessing the value of buildings and districts for historic designation:

- a) has the building or property been associated with the life of an historic person;
- b) is the building an important example of the architectural or construction style of a specific period, or the work of an important builder, designer, or architect;
- c) are comparable structures rare;
- d) does the Community support the designation of the building or property based on its architectural and visual values.
- e) does the building or the property retain a large part of its original character and craftsmanship;
- f) the value of the building as a landmark or as an integral part of a distinctive area or neighbourhood of the Community;
- g) the building's architectural features such as style, plan, and the sequence of spaces; use of materials and details including windows, doors, signs, ornaments; colours, textures, and lighting; and, the relationships of all these to neighbouring buildings.

C3.3.5

Mod #19

With the assistance of local heritage groups, the Municipality should strive to establish “heritage facade design guidelines” through a Façade Improvement program to provide direction to Council, municipal staff, members of local groups and individual property owners and their tenants in improving the visual appearance of the downtown.

C3.3.6

Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Where archaeological resources/areas have been identified, a condition will be attached to the development application to ensure archaeological conservation is achieved.

Development and site alteration may be permitted on adjacent lands to protect the heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

C4 ENERGY

C4.1 GOAL

The Municipality of Kincardine will continue to be active in the field of energy conservation and development and will seek growth and development of its importance in the field of nuclear and alternative energy technologies.

C4.2 OBJECTIVES

C4.2.1 The Municipality will support plans to utilize available energy from the Bruce Nuclear Power Development and available wind generated power and other forms of alternative energy.

C4.2.2 The Municipality shall support energy efficiency and improved air quality through land use and development patterns.

C4.2.3 The Municipality will encourage research and development of nuclear and alternate energy technologies.

C4.3 POLICIES

C4.3.1 The Municipality will continue to initiate, endorse and promote proposals to higher levels of Government and interested private groups in conjunction with the County, and the Township of Huron-Kinloss and the Town of Saugeen Shores, to utilize power from the Bruce Nuclear Power Development to its full potential.

C4.3.2 It is recognized that an abundant, reliable source of energy can be a significant benefit to industrial development. Therefore, it is the intent of this Plan to support efforts to attract industries to the area based on electricity from the Bruce Nuclear Power Development, wind generation and other sources such as natural gas and alternate fuels.

C4.3.3 The Municipality will support land use and development patterns which promote compact form and a structure of nodes and corridors, The Municipality will promote alternative transportation modes in and between residential, employment and other areas where public transit may be developed.

C4.3.4 The Municipality will improve the mix of employment and housing uses to shorten commute journeys and decrease traffic congestion. In both development and redevelopment, and construction techniques that conserve energy and lead to affordable life-cycle costs will be encouraged. Energy-conserving lighting and heating systems will be considered.

C4.3.5 The Municipality will promote design and orientation which maximizes, the use of alternative or renewable energy such as solar and wind energy and the mitigating effects of vegetation.

C5 ECONOMY

C5.1 GOAL

Development guidelines and policies will be provided for the Municipality of Kincardine, consistent with its economic potential by providing adequate and suitably located areas for various economic activities and by providing policies to encourage the development of such economic functions.

C5.2 OBJECTIVES

C5.2.1 The Municipality will encourage the development of a varied economic base, including tourism, agriculture, transportation, communication, energy and industrial uses

C5.2.2 The Municipality will support long-term economic prosperity for the community by expanding the commercial/industrial assessment base to provide a greater source of employment and a strong tax base.

The Municipality shall promote economic development and competitiveness by:

- providing a mix and range of employment opportunities;
- providing a diversified economic base;
- planning, protecting and preserving existing employment areas;
- ensuring necessary infrastructure is available;

- promoting the use of a local energy supply; and,
- recognizing the economic importance of the Bruce Nuclear Power Development (BNPD).

C5.3 POLICIES

C5.3.1 The Municipality will seek to achieve a population to employment opportunities ratio of 1:4 resulting in the need for 837 to 921 employment opportunities in the Municipality by year 2026.

C5.3.2 The Municipality supports the Bruce ECO-Industrial Park and is prepared to accommodate its share of residential, commercial and industrial development, in appropriate areas, that may accompany energy based industrial development.

Mod #23

C5.3.3 The Municipality shall continue to promote means of benefiting from the proximity to the B.N.P.D. and development of secondary ~~industry~~ industries necessary to support the activities at the B.N.P.D.

C5.3.4 The Municipality supports the efforts of Bruce County and local economic development groups to encourage economic development within the South Bruce Lakeshore Area, including the Municipality of Kincardine.

C5.3.5 In addition to supporting County and inter-municipal economic development initiatives, the Municipality will also encourage diversification and expansion of the local employment base by promoting economic development within the Municipality.

C5.3.6 The Municipality, and community-supported agencies will promote and encourage the development of a viable downtown, recreation facilities, tourist attractions and accommodation within the Municipality.

C5.3.7 It is the intent of this Plan to recognize the contribution of the harbour area to the economy of the Municipality and will seek means to upgrade harbour facilities throughout the Municipality.

C5.3.8 The Municipality shall, in approving new development, seek to improve the ratio of commercial/industrial to residential assessment.

C5.3.9 The Municipality shall provide a positive climate for small business investment, targeting small industry and commercial enterprises as being consistent with the type of growth and development desired within the community.

- C5.3.10 The Municipality shall promote the current availability of fibre optic cabling within the community, in efforts to attract business and industry to the area which benefit from and take advantage of the area's superior telecommunication infrastructure.
- C5.3.11 The Municipality shall encourage the establishment of emerging technologies which provide expanded band width capabilities, in order to maintain and advance the area's superior telecommunication infrastructure.
- C5.3.12 The Municipality shall optimize the long term availability and use of land, resources, infrastructure and public service facilities.
- C5.3.13 The Municipality shall support planning so that major facilities (sewage treatment facilities, industries) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.
- C5.3.14 The Municipality shall provide for opportunities for increased energy generation, supply and conservation, including alternative energy systems and renewable energy systems and shall promote research and development of these technologies.
- C5.3.15 The Municipality may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, (as defined in the Provincial Policy Statement, 2005) only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- C5.3.16 The Municipality will support the diversification of the agricultural industry and the development of value added agricultural products and related research in the municipality.

Mod #24

C6 TOURISM

C6.1 GOAL

The enhancement, revitalization and development of a strong local tourist industry for the Municipality of Kincardine shall be encouraged.

C6.2 OBJECTIVES

C6.2.1 The Municipality will encourage opportunities for sustainable tourism development both within the Municipality and within the area generally.

C6.2.2 The Municipality will encourage the preservation of the significant natural features within the Municipality.

C6.3 POLICIES

- C6.3.1 The Municipality shall play an active role in promoting tourism activity in the area through its participation in the Tourism Associations.
- C6.3.2 The specific tourism promotion of the Municipality shall focus on Kincardine being an attractive lakeshore community on Lake Huron, noted for its harbour within close proximity to its downtown, its waterfront, parks, beaches, spectacular sunsets and large number of attractive older residences and heritage buildings.
- C6.3.3 The Municipality shall present its waterfront and marina as important tourism assets. The development of this area should be carried out with input from the Municipality of Kincardine Waterfront Development Plan. To this extent, the Municipality shall strive to:
- a) develop strong linkages between the downtown commercial core and the waterfront;
 - b) upgrade and enhance boating and marina facilities and uses; and,
 - c) upgrade and enhance the maintenance of the beaches as a significant attraction.
- C6.3.4 The Municipality shall encourage the utilization of the waterfront and riverfront as an important tourism and recreational asset, focussing on the outdoor-environmental aspects of the recreation experience (fishing, boating, camping, walking, biking, viewing nature).
- C6.3.5 The Municipality shall encourage a broad range of tourist accommodations, ranging from campgrounds and Bed and Breakfast establishments to motels and resorts.
- C6.3.6 A wide range of four-season recreational facilities will be encouraged in order to address the needs of local residents, cottagers, and visitors. Specific emphasis shall be paid to the development of passive recreational/leisure opportunities such as a linked trail system, natural environment conservation areas and camping and picnic areas.
- C6.3.7 The Municipality shall encourage the development of an Arts and Cultural Centre to house and support the arts and cultural interests of the community and as a tourism attraction and shall support other events and activities that attract and support tourism in the communities.

C7 COMMUNITY IMPROVEMENTS

C7.1 GOALS

Community Improvements shall be an ongoing comprehensive program in the Municipality of Kincardine. The goals of this program are:

- To preserve and rehabilitate older residential neighbourhoods.
- To preserve, redevelop and strengthen the downtown commercial area and integrate proposed extensions to this commercial area.
- To preserve and improve the existing industrial areas.
- To enhance the public realm by improving the streetscape and pedestrian environment.
- To develop the business park at the intersection of Highway No. 21 and 9.
- To upgrade and improve municipal hard services, social and recreational facilities, medical and health facilities and public utilities.
- To provide the necessary municipal hard services and economic and social services to broaden the economic base of the Municipality.

Mod #25

C7.2 OBJECTIVES

The following objectives should be considered when identifying Community Improvements:

C7.2.1 To provide hard municipal serviced (i.e. sewers, water, roads, sidewalks, street lighting, etc.) in the areas of Kincardine and Tiverton where these services have been identified as being deficient.

C7.2.2 To provide municipal water services to those developed areas of the shoreline where the existing private water systems may present a health hazard. This objective shall be undertaken in conjunction with the Municipal Servicing Plan and/or Environmental Assessment process.

Mod #26

C7.2.3 To make available and accessible soft municipal services (i.e. parks, playgrounds and related facilities, community centres) to all the people of Kincardine and to upgrade those services and facilities which have been identified as deficient.

- C7.2.4 To regulate traffic through the use of traffic control devices and a hierarchal road network to facilitate the safe and efficient vehicular and pedestrian movement and emergency services in all areas of the Municipality.
- C7.2.5 To encourage the maintenance and rehabilitation of existing housing stock.
- C7.2.6 To encourage the preservation of or rehabilitation to buildings of historical and architectural significance.
- C7.2.7 To encourage the relocation of inappropriate or non-conforming uses where it is the opinion of Council that the use is undesirable because of the age, dilapidation, overcrowding, facility arrangement, unsuitability of buildings, incompatibility or for any other reason.
- C7.2.8 To encourage residential growth through infilling development of vacant land or redevelopment of underutilized properties.
- C7.2.9 To encourage redevelopment by either the private and/or public sectors within the downtown commercial area or as planned extensions to the commercial area.
- C7.2.10 To improve the existing commercial areas or expand the commercial areas by encouraging improvements dealing with such matters as off street parking, street beautification or facade improvements and accessibility.
- C7.2.11 To encourage the redevelopment of brownfield sites, existing vacant or underutilised industrial properties in existing industrial areas.
- C7.2.12 To encourage public and/or private initiatives to expand, infill and intensify existing industrial areas prior to developing new industrial areas.
- C7.2.13 To encourage joint public and private involvement in projects to improve the appearance, functionality or efficiency of residential, commercial, institutional or industrial areas of the Municipality.

C7.3 CRITERIA FOR THE SELECTION OF COMMUNITY IMPROVEMENT AREAS

The following general criteria shall be used in the selection of community improvement areas:

- C7.3.1 Condition and adequacy of commercial areas including areas within commercial building or building facades which exhibit structural deficiencies or need for rehabilitation, inappropriate signage, insufficient off street parking, the need for improvements to the commercial streetscape, inadequate pedestrian access to

commercial businesses or inadequate vehicular access or traffic circulation within the commercial area.

- C7.3.2 Condition and adequacy of Industrial areas including areas within industrial buildings or building facades which exhibit structural deficiencies or the need for rehabilitation, inappropriate signage, insufficient off street parking, inadequate vehicular access to or traffic circulation within industrial areas, or inadequate space or inappropriate location of industrial facilities for efficient industrial operation.
- C7.3.3 Deficiency in the availability and/or condition of municipal hard services such as roads, sanitary sewers, water systems, storm water drainage, sidewalks, street lighting, or hydro.
- C7.3.4 Deficiencies in the availability and/or condition of municipal recreation facilities such as parks, playgrounds, arenas, community centres or trails.
- C7.3.5 Deficiencies in the availability and/or condition of municipal, social and cultural facilities such as administration offices, meeting rooms, galleries, libraries or craft rooms.
- C7.3.6 Areas where a significant portion of the buildings and/or building facades exhibit the need for improvement or rehabilitation.
- C7.3.7 Areas where there is a conflict in land uses with the Official Plan and/or Zoning By-law
- C7.3.8 Areas where there are a lack of physical services such as pedestrian corridors, off street parking etc.

C7.4 DELINEATION OF COMMUNITY IMPROVEMENT AREAS

Mod #27

It is the intention of this policy that Council shall pass a By-law designating all or part of the lands covered by this Official Plan as a Community Improvement Project Area under Section 28(2) of the Planning Act, 1990.

C7.5 PHASING OF IMPROVEMENTS

Mod #28

It is the intention of this policy that a prioritized list of Community Improvements be identified in a Community Improvement Plan and not as part of the Community Improvement policies of this plan. It is also the intention of this policy that Community Improvement priorities be subject to continual review due to changes in economic, social or environmental considerations, municipality's financial portion or the availability of federal or provincial funding. Therefore, at least once every term of Council, a general review of the Community Improvement Plan shall be made.

C7.6 IMPLEMENTATION

The Municipality of Kincardine will implement the Community Improvement goals and objectives through the following methods:

- C7.6.1 Council will designate by By-law a Community Improvement Project Area pursuant to the Planning Act.
- C7.6.2 Council will undertake the preparation of a Community Improvement Plan.
- C7.6.3 Council may acquire and develop land to replace inappropriate and non-conforming uses for facilitating conservation, rehabilitation, redevelopment or development of an area.
- C7.6.4 Continue enforcement of property maintenance and occupancy standards By-law.
- C7.6.5 Continue support for historical preservation through utilization of provisions contained within the Ontario Heritage Act.
- C7.6.6 Co-operation with school boards, service clubs, businessmen, industrial, medical and health services and other private individuals or groups to provide new or redevelop existing facilities and services.
- C7.6.7 Participation in provincial and federal government programs which provide assistance to private landowners for the maintenance, rehabilitation and redevelopment of their properties.
- C7.6.8 The utilization of public funding available to municipalities from provincial and federal programs to assist in implementing community improvements.
- C7.6.9 Support and encourage the business improvement area organizations in their efforts to maintain a strong and vibrant business area.

C8 ELECTRIC POWER FACILITIES

- C8.1 All existing power facilities shall be permitted in any land use designation without the necessity for an amendment to the Plan. Unless approved under The Environmental Assessment Act, any major new electric power facilities or undertakings will require an amendment to this Plan and to the Municipality's Zoning By-Law. Minor new electric power facilities or undertakings, which generate less than a nameplate capacity rating of 50 kW, may be permitted without the necessity of an amendment to this Plan; however, such minor facilities or undertakings may require an amendment to the Municipality's Zoning By-Law.

Mod #29

C8.2 Land and buildings used for executive, administrative or retail purposes or held under lease or licence from Ontario Power Generation and Bruce Nuclear Power Development shall comply with the land use designations and policies of this Plan and the Municipality's Zoning By-Law.

C8.3 The above policies, however, do not preclude the Municipality's right to participate in discussions on the location and design criteria of new electric power facilities.

C9 SOURCE WATER PROTECTION AREAS

C9.1 In order to ensure a sustainable water supply, the Municipality shall prohibit certain uses of land within identified Municipal Wellhead Protection Areas (WHPA). Within these areas land uses including the storage of or manufacture of petroleum based fuels or solvents, pesticides, herbicides, fungicides or chlorinated solvents, inorganic chemicals, road salt or severely toxic chemicals identified by either Provincial or Federal Statute or Regulation shall be prohibited in accordance with any Source Water Protection Plans in force within the Municipality.

Mod #30

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C10 WIND ENERGY

C10.1 Subject to the policies of this Plan, the Municipality supports the development of such facilities as a source of renewable energy.

C10.2 Small-scale individual wind turbines will be permitted for on-site domestic use of wind-generated electricity on an individual lot basis in the Shoreline designations.

Mod #31

Small Wind Energy Conversion Systems (SWECS) are defined as a turbine that has a rotor diameter of no more than 15.0 metres and a total swept area of no more than 180 square metres. These systems are normally comprised of only one wind turbine and generally intended to generate electricity only for the property owner.

The establishment of a SWECS may be permitted under the zoning provisions of the Municipality's Zoning By-law as a structure(s) accessory to the principle use of the property only in those zones deemed appropriate by the local Municipality and subject to the policies in the BCOP.

C10.3 Large scale commercial operations, involving one or more large wind turbines generating electricity for sale to the electrical grid, may be permitted through a Zoning By-law Amendment in the Industrial designation. It is intended that such operations, referenced herein as wind farms shall be sited and regulated so that most of the safety, noise and visual impacts are contained on the subject site.

Mod #32

Large Wind Energy Conversion Systems (LWECS) are defined as one or more turbines that have a rotor diameter of more than 15.0 metres and a total swept area of more than 180 square metres. These systems are generally referred to as 'Wind

Farms’ and are usually located in areas where climate (i.e. wind) conditions create a conducive environment for LWECS. Large Wind Energy Conversion Systems are generally intended to feed electricity into the provincial transmission grid in keeping with Hydro One’s policies regarding Renewable Energy Technologies.’

The establishment of a LWECS may be permitted through an Amendment to the Municipality’s Zoning By-law in those areas deemed appropriate by the local Municipality and subject to the policies in the BCOP.

C10.4 The implementing Zoning By-law Amendment shall include provisions relating to setbacks, maximum height provisions and other regulatory provisions.

C10.5 The implementing Zoning By-Law Amendment may include reverse setbacks for new sensitive land uses in areas adjacent to a wind farm.

Mod #33

New residential, institutional, commercial, industrial, or recreational uses, shall be setback from a Large Wind Energy Conversion Systems (LWECS) in accordance with the Ministry of Environment Guideline(s) for Noise Assessment in Land Use Planning.

C10.6

Mod #34

Wind farms shall be subject to site plan control in accordance with the provisions of the *Planning Act* and the policies of [Section C5.3](#) of this Plan. The municipality shall also consider entering into an agreement with the developer to ensure that the municipal servicing and administration costs associated with the development are not borne by the current tax payer.

C11 EMERGENCY PLANNING

C11.1 All development applications shall be reviewed having regard for the health and safety of existing and future residents and business. Applications shall be reviewed to ensure that they are in keeping with the Municipality's Emergency Plan.

C11.2 The Municipality shall update its Emergency Plan at regular intervals based on levels of growth and forms of non-residential development. Where necessary, this Plan may be amended to ensure that public works and future land use is consistent with the Emergency Plan.

SECTION "D" - DETAILED LAND USE POLICIES

This Section establishes policies relating to the various land use categories, including Residential, Commercial, Industrial, Institutional, Open Space, Natural Environment and Development Constraint, Business Park, Shoreline and Future Development. This Section should be read in conjunction with Schedules A, B and C which shows the location of the various land use categories.

D1 RESIDENTIAL

D1.1 GOAL

An ample supply of affordable and quality living accommodation in terms of type and location will be provided for the Municipality's present and future residents.

D1.2 OBJECTIVES

D1.2.1 Residential development will be permitted according to the policies contained in this Plan when access to transportation and Municipal services are adequate; and will be staged to the satisfaction of the Municipality of Kincardine.

D1.2.2 Premature residential development which would create an adverse economic burden for the Municipality will be discouraged.

D1.2.3 Buffering of residential areas from higher-density residential areas as well as other land uses will be required when the residents living environment would be adversely affected.

Mod #35

D1.2.4 The Municipality shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households, by permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements.

The Municipality shall promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas to be developed.

D1.2.5 Assisted owner and rental housing will be encouraged as the need is identified in local and County housing studies.

D1.2.6 The Municipality shall monitor the amount of land available for residential development to ensure that there is, at all times at least a 10 year supply of land designated for residential development.

D1.3 PERMITTED USES

The Residential designation means that the predominant use of the land in the areas so designated shall be for residential dwelling units. Permitted Residential uses shall include low density housing such as single family detached units, semi-detached units and duplex units, and may include apartment dwelling units, medium density triplexes, quadraplexes and townhouses, high density housing including apartments, and group homes.

Mod #36

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A secondary suite is permitted in single detached dwellings, semi-detached dwellings and row dwellings subject to the policies of this Plan

Uses of land which are complementary to and compatible with Residential uses shall also be permitted. Such uses include:

- Institutional Uses in accordance with [Section D5](#)
- Open Space Uses in accordance with [Section D6](#)
- Home Occupations
- Local Commercial Uses in accordance with [Section D2.7](#)
- Bed and Breakfast Establishments

D1.4 GENERAL POLICIES

D1.4.1 The quality of existing residential development in areas designated for continued residential use will be maintained and, where possible, improved.

D1.4.2 Residential development will not be permitted in areas subject to high levels of pollution, whether from noise, air or water.

D1.4.3 Appropriate buffering shall be provided between residential areas and industrial uses, commercial uses, arterial roads, County Roads, Provincial Highways and railways.

D1.4.4 New residential development will be allowed in all Residential designations, both as infilling and expansion. Infilling may proceed by severance or by registered plan of subdivision. The expansion of Residential areas will be primarily by registered plan of subdivision. New development taking place in greenfield areas should occur adjacent to the existing build-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities in order to conserve energy and shall be designed in recognition

Mod #37

of wind and snow effects, and when appropriate as determined by a comprehensive review.

D1.4.5 Plans of Subdivision in greenfield areas will be phased as a condition of draft plan approval and subdivision agreements to ensure that a range and mix of housing is provided at all stages of development and that existing and future residents will not be adversely impacted by on-going construction activity.

D1.4.6 Availability of Affordable Housing

Mod #38

a) The Municipality shall encourage an adequate supply of affordable housing (as defined in the Provincial Policy Statement, 2005).

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b) The Municipality shall attempt to have 30% of all new residential construction affordable. In a given year the residential development may meet, exceed or fall short of the 30% target and therefore, to achieve a more realistic picture of the progress made in achieving this target, five year averages shall be used to meet affordable housing objectives.

c) The Municipality shall ensure that the Comprehensive Zoning By-law does not require standards which preclude the development of affordable housing and may provide incentives such as increased density bonusing for the development of affordable housing.

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d) The Municipality shall enact a Municipal Housing Facilities By-law under Section 110 of the Municipal Act to enable the municipality to provide incentives to the public and private sectors to create new affordable rental units;

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e) The Municipality shall provide a grant-in-lieu of residential development charges, planning fees and building permit fees for affordable housing developments in return for a commitment by the developer to meet specified affordability targets;

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f) The Municipality has a 'housing first' policy for surplus municipal lands. Specifically, the first priority in the decision making process respecting surplus or potentially surplus municipal property shall be affordable housing development and that the surplus property be made available for affordable housing purposes at a reduced cost; and

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g) The Municipality shall promote, and where possible, assist in the administration of County, Provincial and Federal housing programs.

D1.4.7 Supply of Serviced Residential Land

OPA # 5
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Deleted a) and
b) and
replaced with
new a) only.

- a) A supply of residential land shall be maintained at all times in the Plan area to accommodate the growth that is anticipated over the next 10 years (minimum), as directed by the Provincial Policy Statement. The supply of land will take into consideration opportunities for intensification and redevelopment.
- c) The Municipality shall negotiate with developers in efforts to establish plans that include the types of housing needed within the Municipality.

D1.4.8 Range of Housing Types

- a) The Municipality shall support a wide range of housing types, zoning standards and subdivision design standards where appropriate.
- b) The Municipality establishes the following housing mix targets:

| | | |
|----------------|---|-----|
| Low Density | - | 70% |
| Medium Density | - | 25% |
| High Density | - | 5% |

- c) In order to achieve these targets existing low density residential areas and existing commercial areas will need to develop through residential intensification and infilling. The Municipality will target 10 percent of all new housing to be developed in this manner. These areas may be zoned to permit higher density uses in the Zoning By-law.

Mod #39

It is the policy of this Plan to encourage average density in residential designations to increase from the current 8.8 units per hectare to 11 units per hectare over the planning period.

Areas that have been identified and will be promoted for intensification are identified as Identification Areas on Schedule “A”.

- d) The Municipality shall strive to maintain the existing mix of housing tenure. To this end, the Municipality establishes the following housing tenure targets:

| | | |
|-----------|---|-----|
| Ownership | - | 70% |
| Rental | - | 30% |

- e) The Municipality will encourage intensification in commercial areas as a method of creating potential opportunity for a range of housing.

- f) A duplex/semi-detached dwelling shall be permitted in all residential areas that permit single detached dwellings, where municipal water and municipal sewer services are provided.

D1.4.9 Special Needs Housing

- a) The Municipality shall seek to improve access to housing for people with special needs, including assisted housing for low income people, seniors housing and housing for physically and developmentally handicapped individuals.
- b) The Municipality shall work with local groups to determine the demand for special needs housing. The Municipality shall support appropriate applications and proposals for special needs housing.
- c) The Municipality shall consider alternative approaches to providing housing targeted specifically to the seniors' population.
- d) The Municipality will permit temporary housing as is required to meet the needs of temporary workers involved in the expansion to the BNPD facilities or other large projects requiring an influx of temporary residents.

Mod #40

- i) Mobile homes shall not be permitted except within a mobile home park. The establishment of a mobile home park will require an amendment to this Plan to create 'an Area Specific Policy' except where the use is required for the temporary housing of workers.
- ii) The Municipality will support the development of short term housing to accommodate temporary workers required to expand the B.N.P.D.

Mod #40

This form of development may include modular or mobile dwelling units in a planned temporary park that may be placed on lands designated Residential as a temporary use on lands designated Industrial or Highway Commercial provided that:

- i) the dwellings are connected to full municipal services;
- ii) there is an agreement between the Municipality and the land owner specifying the length of time that the use may exist and the conditions under which the development may proceed; and ,
- iii) the development shall be subject to Site Plan Control under Section 41 of the Planning Act.

D1.4.10 New Residential developments, especially subdivision proposals will be encouraged to be as visually interesting as possible. Possible approaches include

mixing housing densities and styles, varying the location of buildings on lots and utilization of the natural features of a site.

D1.4.11 Reduced urban development standards such as smaller frontages, narrower road allowances and shared services may be considered, where appropriate, in new areas of development and/or in areas of existing development which require unique development standards. Where reduced standards are considered for a development, the development shall be placed within a Special Zone in the Zoning By-Law.

D1.4.12 All new Residential uses in the urban areas of Kincardine and Tiverton shall be connected to Municipal water and sewage services, except in limited situations where physical constraints make it economically not feasible. In such cases, the proposed servicing shall be subject to the approval of the Grey Bruce Health Unit and/or the Ministry of the Environment.

Mod #41

D1.4.13 Home Occupations

Mod #42

Home occupations will be permitted in the Residential designation, subject to the provisions of the Zoning By-law. Home occupations will be continuously monitored, by licensing if necessary, to ensure their compatibility with the Residential environment. The Zoning By-law or other by-laws under the Municipal Act will provide regulations which:

- a) may include a detailed list of permitted home occupations uses;
- b) Restrict the number of people which may be employed in the home occupation;
- c) Provide a maximum percentage of the floor area of the residence which may be used for the home occupation;
- d) Maintain the external appearance of the residence and control exterior signs (in accordance with [H11 Sign Control](#)); and,
- e) Provide appropriate parking standards for such use.

D1.4.14 Institutional uses permitted within the Residential designation shall be subject to the Institutional Policies contained in [Section D4](#) of this Plan, and shall require amendment of the Zoning By-Law.

D1.4.15 Bed and Breakfast Establishments

Mod #43

Bed and Breakfast operations may be permitted within single detached homes within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law may provide Bed and Breakfast regulations which ensure:
 - i) that the establishment of such uses not change the residential character of the area;
 - ii) all requirements of the zoning by-law are met, including adequate off-street parking, minimum floor area for guest rooms and maximum number of guest rooms;
 - iii) such uses may be permitted in buildings which constitute the principal residence of the operator or an accessory structure;
 - iv) the maximum number of guest rooms for overnight accommodations shall not exceed 3;
 - v) the Bed and Breakfast suite meets all health, safety, servicing and building code standards; and,
 - vi) any other regulation deemed necessary by the Municipality.
- b) Bed and Breakfast operations shall be encouraged to locate in the older established areas of the Municipality in close proximity to the downtown business area and/or the recreational amenities of the Lake Huron Shoreline. This policy is not intended to restrict such businesses from locating in other residential areas of the Municipality; and,
- c) Bed and Breakfast operations may be subject to Site Plan Control.

Mod #43

D1.4.16
Mod #44

SECOND RESIDENTIAL UNITS / GARDEN SUITES

OPA # 5
2012-042

a) **SECONDARY SUITES**

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The term Secondary Suite means a separate residential unit subsidiary to and located on the same lot as a principal dwelling unit, including a single detached dwelling, semi-detached dwelling or row dwelling, and within an existing structure. A Secondary Suite may house elderly parents or other family members, or may be rented as a residential unit.

- i. One Secondary Suite may be permitted within the Residential designation subject to the requirements of this Plan, and the Comprehensive Zoning By-law.
- ii. A Secondary Suite is only permitted on lots that contain one residential unit.
- iii. It must not be a stand-alone, principal unit, capable of being severed;
- iv. The Comprehensive Zoning By-law may provide Secondary Suite regulations which:
 - 1. Restrict any business or commercial enterprise from taking place within the Secondary Suite;

2. Set out restrictions involving the unit size, alteration to the outside of the building or structure, parking requirements, and water and sewer/septic servicing requirements; and/or
 3. Require municipal registration of the Secondary Suite.
- v. The principal dwelling unit and Secondary Suite must share the parking area and yards, and no new driveway may be created;

b) GARDEN SUITES

The term Garden Suite is used to describe a temporary detached residential unit accessory to a primary residence and which offers an alternative arrangement for housing elderly parents, handicapped family members or other similar individuals.

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Where a Secondary Suite is located on a lot, a Garden Suite is not permitted on that lot.

Garden Suites may be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law may provide Garden Suite regulations which:
- i) require the residential unit to be detached and accessory to a primary dwelling unit;
 - ii) restrict any business or commercial enterprise from taking place within the residence;
 - iii) require the dwelling unit to meet all requirements of the Comprehensive Zoning By-law, including yard setbacks; and,
 - iv) prohibit the use of a mobile home.

Garden suites, while complying with the regulations outlined in the Comprehensive Zoning By-law, will require land use permission through the adoption of a Temporary Use By-law pursuant to Section 39 of the Planning Act, 1990.

- b) The Municipality shall enter into an agreement with the property owner or occupant to cover issues such as:
- i) conditions under which the Garden Suite will be removed from the property;
 - ii) the Garden Suite not be used as a rental dwelling unit for profit or gain;
 - iii) the Garden Suite meets all health, safety, servicing and building code standards;
 - iv) the need for bonding or security to ensure that certain conditions of the agreement are met; and,

v) other issues deemed important by the Municipality.

c) Garden Suites may be subject to Site Plan Control.

D1.4.17

Mod #45

Day Nurseries

The term "Day Nursery" is used to describe a facility that receives more than five (5) children, primarily for the purpose of providing temporary care or guidance for children under the age of 10 years and/or developmentally handicapped children under the age of 18 years.

Mod #45

Day Nurseries may be permitted within the Residential designation subject to the provisions of the Comprehensive Zoning By-law.

- a) Deleted in its entirety by **Modification # 45**
- b) The facility shall be licensed by the Ministry of Community and Social Services under the Day Nurseries Act, R.S.O., 1990, as amended.
- c) The facility shall provide for the temporary care or guidance for the children for a continuous period not exceeding 24 hours.
- d) The facility shall meet all health, safety and building code standards.
- e) Day Nurseries may be subject to Site Plan Control.

Mod #45

D1.4.18

Mod #46

Notwithstanding policies [D1.4.10](#) and [D1.4.11](#) all new residential development in older established residential areas will be encouraged to be developed in keeping with the overall character of such areas.

D1.4.19

In all residential areas, great care shall be taken to preserve mature vegetative growth. Existing trees shall be preserved, wherever possible and other vegetative cover and natural drainage patterns shall be an essential consideration in the design of any proposed residential development. The preservation of trees along streets and roads shall be encouraged by Council, except where removal is necessary because of disease or obstruction of viewing angles.

D1.4.20

Where new development occurs adjacent to existing development that is at significant lower density, the new development shall be designed to provide a transition of density and height in order to provide for compatible built form. In addition, landscape buffers for new buildings may be required in order to minimize potential impacts on existing developed areas.

Mod #47

D1.4.21

Area Specific Policy (as shown on Schedule 'A')

Development of the lands located north of the North Line Extension and west of Bruce Road 23 shall only occur in accordance with the following:

a) a comprehensive EIS identifying natural heritage features including but not limited to wetlands, significant woodlands, natural drainage courses and natural habitat areas shall be completed and the development shall be designed to protect and preserve the natural features of the land.

Mod #47

b) The development shall be designed in a manner sensitive to existing development in the area taking into consideration lot size, density, height, and variations in topography and existing/proposed vegetative buffering and spatial separation.

Mod #47

c) the development shall be supported by a traffic study that establishes a road pattern and identifies external road improvements that will be undertaken, to ensure that existing uses are not adversely affected by increased traffic. Road systems serving the shoreline residential uses and the urban residential uses shall be separated as much as possible, and traffic from new Urban Residential areas shall be directed primarily to Bruce Road 23.

Pedestrian access to the beach shall be established in such locations and in such a manner as to minimize adverse impacts on existing shoreline properties.

Mod #47

d) the development shall be supported by a comprehensive development plan that incorporates a Subdivision Design / Lot Layout; Stormwater Management Plan; Servicing Options Report; Comprehensive Environmental Evaluation Report (CEER); Archaeological Study; and any other information as deemed necessary by Council.

Mod #48

e) the lands identified as “Lands Subject to [Section D1.2.21e](#)” on Schedule “A” shall be developed with an overall density not to exceed 5 units per hectare.

D1.4.22 The following maximum gross residential densities will apply to new Low Density Residential uses:

| HOUSING TYPE | MAXIMUM NO. OF UNITS PER GROSS HECTARE (ACRE) |
|-----------------|---|
| Low Density | |
| Single Detached | 20 u.p.h. (8 u.p.a.) |
| Semi-Detached | 30 u.p.h. (12 u.p.a.) |

Gross Residential Density shall mean the density of residential development in an area including local roads and such other uses as parks and local commercial facilities.

D1.5 MEDIUM AND HIGH DENSITY HOUSING

D1.5.1 The following factors will be considered when reviewing proposals for any medium and high density housing development:

- a) Compatibility with existing land use in the immediate area, historical significance of existing buildings, the nature of the residential area;
- b) Where adjacent to single family residential areas, medium and high density housing shall maintain a low building profile to conform visually to the adjacent Residential areas. This may be achieved through transitioning between areas by maintaining compatibility at the edges of a development, then shifting to higher forms/density towards the interior of the development. New development shall respect the massing, composition, and architectural design of the surrounding area.
- c) Adequate off-street parking shall be provided;
- d) Buffering from any adjacent low density Residential use shall be provided;
- e) Suitable landscaping and on-site amenities in the form of open space / green space shall be provided. The amount of amenity area shall be in appropriate proportion to the level of density;
- f) The adequacy and proximity of community facilities such as schools, shopping and recreation facilities;
- g) The adequacy of Municipal services to accommodate the proposed density of development;
- h) Such development will be encouraged in proximity to commercial areas where traffic congestion can be minimized;
- i) The manner in which the development relates to proposed future land uses in developing residential areas;
- j) Medium and high density housing shall be in separate zones in the Zoning By-Law. Such development will proceed by an amendment to the Zoning By-Law;
- k) Medium and high density housing will be subject to the Site Plan Controls of the Planning Act; and,

Mod #49

Mod #49

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D1.5.2 The following maximum net residential densities will apply to new medium and high density residential uses:

| HOUSING TYPE | MAXIMUM NO. OF UNITS PER NET HECTARE (ACRE) |
|-----------------------------|---|
| Medium Density | |
| Triplex to Townhouse | 40 u.p.h. (16 u.p.a.) |
| 3 Storey Walk-up Apartments | 40 u.p.h. (16 u.p.a.) |
| High Density | |
| Apartments | 85 u.p.h. (35 u.p.a.) |

Net Residential Density means the area of the site proposed for development, not including roads, parks, local commercial facilities, etc.

D1.5.3 Consideration may be given to waiving locational requirements and reducing parking standards for medium and high density senior citizens housing, subject to amendment of the Zoning By-Law.

D1.5.4 Conversion of single family homes into multiple family units will be permitted subject to the provisions of the Zoning By-Law, provided they are structurally adequate, that no external changes are required which will detract from the physical appearance of the building, and that adequate rear yard parking can be provided. Such conversions shall be subject to the development policies of [Section D1.5.2](#) of this Plan.

D1.5.5 Condominium development will be considered in light of the foregoing policies for medium and high density residential development, provided the proposal complies with the requirements of The Condominium Act, and subject to the provisions of the Zoning By-law.

D1.6 GROUP HOMES

Mod #50

The term Group Home is used to describe a range of special needs residential living opportunities as a single-family unit within a single detached dwelling unit. Group Homes shall be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law shall provide regulations which recognize group homes offering long term (more than 1 year) housing within a single housekeeping unit for five (5) or less seniors, developmentally and/or physically handicapped individuals and/or mentally ill individuals as a permitted use in all residential zones provided the following criteria is satisfied:

Mod #50

i) that no physical alterations be made to change the character of the structure as a single detached residential dwelling unit;

b) The Comprehensive Zoning By-law may provide regulations which recognize group homes offering long term (more than 1 year) housing to six (6) or more seniors, and/or developmentally, physically or mentally handicapped individuals subject to an amendment to the Comprehensive Zoning By-law which is assessed based on the following criteria:

- i) whether the facility is licensed, regulated and/or approved by a government regulatory body;
- ii) that a demonstrated local need exists for such a facility;
- iii) that additional supportive services and facilities exist for the residents;
- iv) that no other group home is located within close proximity to the proposed site; and,
- v) that the building meets all health, security and fire safety standards.

c) The Comprehensive Zoning By-law may provide regulations which recognize halfway houses offering short term (less than 1 year) or long term (more than 1 year) housing to individuals for the purpose of a recovering from substance abuse, the socially disadvantaged, and for ex-offenders subject to an amendment to the Comprehensive Zoning By-law which is assessed based on the following criteria:

Mod #50

- i) whether the facility is licensed, regulated and/or approved by a government regulatory body;
- ii) that a demonstrated local need exists for such a facility;
- iii) that additional supportive services and facilities exist for the residents;
- iv) that 24 hour supervision and security is in place;
- v) that no other group home is located within close proximity to the proposed site; and,
- vi) that the building meets all health, security and fire safety standards.

d) Group Homes may be subject to Site Plan Control.

D2 COMMERCIAL

D2.1 GOAL

A well balanced and varied Commercial economy will be established to serve the needs of residents of the Municipality of Kincardine, the rural trade area and the travelling public.

D2.2 OBJECTIVES

D2.2.1 A viable and reasonable range of shopping facilities to serve the needs of the public shall be established by adapting commercial activities to changing market size and composition, in accordance with the Municipality's growth.

D2.2.2 Downtown and harbour improvement programmes, shall be encouraged to maintain the downtown commercial area as the Municipality's major focus of commercial, institutional and recreational activities; and, to ensure appropriate development of commercial uses related to the waterfront and harbour area of the Municipality.

D2.2.3 Commercial areas outside of the downtown shall be maintained and improved, provided that development of such areas does not detract from the function of the downtown.

D2.2.4 Local commercial establishments shall be encouraged to develop in harmony with, and in proximity to residential development as the market demands mature.

D2.2.5 Adequate space shall be provided for commercial uses which are highway/service oriented and require large parcels of land, and a high ratio of parking to floor area, but which do not compete on a functional basis with the downtown or shopping centres.

D2.2.6 The development of tourist-oriented commercial facilities to support a strong tourist industry shall be encouraged.

D2.3 PERMITTED USES

The Commercial classification of land shall mean that the predominant use of land in areas so designated shall be buying, selling and leasing of personal, business and recreational services. Such activities shall be located in established Commercial areas of the Municipality.

Commercial uses within the Municipality of Kincardine may be classified by function into four (4) groupings:

a) A wide range of General Commercial uses located in the downtown core, and within an existing shopping plaza at the north end of the Municipality; and designated as General Commercial on the Land Use Plan (Schedule "A");

Mod #51

b) Uses permitted within the [D2.6](#) Highway Commercial designation shall include those uses which because of space and parking demands are not compatible with the compact nature of the core area or which are dependent upon vehicular traffic.

Mod #51

c) Local Commercial uses which serve the daily need of an adjacent Residential neighbourhood, providing only convenience and personal service facilities including professional or personal services that are provided for gain and where the retail sale of goods, wares, merchandise or articles is only accessory to the provisions of such services. Local Commercial uses are not shown on the Land Use Plan; and,

d) Resort Commercial uses which include Commercial uses related to the waterfront, such as marinas, restaurants, tourist accommodation, multiple - family residential, and recreational facilities and which are designated as Resort Commercial on the Land Use Plan.

The following uses as they relate to the waterfront and on lands designated 'Resort Commercial', and with reference to the Waterfront Development Plan, shall be permitted: marinas, restaurants, recreational facilities, convention centres, and specialized retail uses. All development shall be specifically designed to ensure and maintain public access to the waterfront.

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Mod #51

Uses in General Commercial, Highway Commercial and Resort Commercial areas, may also include recreational facilities, institutional uses, utilities, accessory buildings, parking lots and open space. New Residential units shall be permitted in the downtown commercial core area above and behind commercial uses, provided that adequate off-street parking facilities are provided.

D2.4 GENERAL POLICIES

D2.4.1 New Commercial Development will be subject to the Site Plan Control.

D2.4.2 Landscaping shall be required as part of new Commercial development.

D2.4.3 Co-ordinated design in keeping with adjacent uses shall be encouraged for building elevations.

D2.4.4 Entrance and exit access to off-street parking areas shall be designed to minimize danger to vehicular and pedestrian traffic. Wherever possible adjacent parking areas should be connected to permit traffic flow through the parking areas.

- D2.4.5 Screening and buffering shall be provided between new Commercial uses and adjacent uses, in accordance with the provisions of the Zoning By-law.
- D2.4.6 Commercial establishments shall be required to erect signs which do not detract from the visual quality of the Commercial area, with respect to size, illumination location and nature of construction.
- D2.4.7 Council, in co-operation with the B. I. A. and the Chamber of Commerce, will encourage merchants to maintain and enhance the attractiveness of their businesses to the consumer and passer-by. The Council may lend support to the Chamber of Commerce in organizing special activities.
- D2.4.8 The Municipality shall be responsible for monitoring the build-up of retail development outside of the downtown core areas of Kincardine and Tiverton, in order not to jeopardize the long term planned function of the downtown core. Where major commercial development is proposed outside of the downtown core areas Council may require the submission of a market impact analysis to assess the potential impact of the development on the function of the particular downtown core area. Council may retain independent advisors to assist them in understanding the implications of such development on the planned function and character of the downtown.

Mod #52

D2.5 GENERAL COMMERCIAL POLICIES

- D2.5.1 The downtown core area shall continue to provide the Commercial, Business and Institutional focal point for the Municipality. All development and redevelopment shall be directed toward retaining and improving the economic viability of the core area.
- D2.5.2 The Land Use Plan (Schedule "A") generally establishes the limits of the downtown core, to provide a compact Commercial area and prevent encroachment on adjacent Residential neighbourhoods.
- D2.5.3 Deleted in its entirety by **Modification #54**
- D2.5.4 Downtown and Harbourfront improvement programmes shall be encouraged to strengthen ties between the downtown and harbour, to improve the harbour's recreational and commercial facilities and to improve the downtown commercial core by devising and implementing improvements to building facades, sidewalks, roads traffic and pedestrian circulation and landscaping. This will enhance the attractiveness and operational efficiency of the downtown and harbour. All such improvements shall have regard to, among other things, the goals, objectives and policies contained in [Section C4](#) 'Heritage Conservation' of this Plan. Council may

provide assistance through Community Improvement Programs and partnerships with the private sector to improve these areas.

Mod #55 D2.5.5

Outside storage of supplies or waste materials shall be discouraged, unless adequately screened.

Mod #56 D2.5.6

Parking Requirements

Adequate off-street parking shall be provided to encourage use of the downtown.

Shared Use Parking may be considered, through an amendment to the Comprehensive Zoning By-law, within areas designated General Commercial. Shared Use Parking is based on the assumption that a parking space may be used in certain instances to serve two or more individual land uses without conflict or encroachment.

This technique is intended to lessen the duplication of parking supply and to optimize the use of existing and new parking facilities for mixed use developments/redevelopments. The use of shared use parking should be limited to mixed use developments located on the same property. This technique is not intended to be utilized by two or more uses located on separate lots.

Shared use parking only works for developments which meet certain criteria. Careful analysis should be undertaken before shared use parking is considered. The following guidelines should be followed when assessing and implementing shared use parking:

- a) Each parking space should be useable at all times and shall include facilities for special needs parking;
- b) The facility should accommodate significant in-bound and out-bound traffic flow at one or more periods of the day. The design of the access and the circulation system should be easy to understand and use;
- c) Because of the variety in types of parkers (business, daily vs. infrequent, shoppers, visitors, recreational etc.) the facility should have effective signage, markings and other communication tools;
- d) Thought should be given to enforcement of parking times for on-site visits, since the facility will be affected by parkers who overstay their limits;
- e) A strategy should be developed in order to guide parkers to all spaces in the facility. The strategy should also consider separation of parkers who tend to compete for space (shoppers and matinee movie goers); minimum walking distance to those land uses having a captive market; and,

- f) Shared parking can be used as a development tool.

D2.5.7 Deleted in its entirety by Modification # 56

D2.5.8 Within the General Commercial area at the northwest corner at Lambton Street and Victoria Street, the only permitted commercial uses shall be a medical clinic and professional offices.

D2.5.9 Notwithstanding their 'General Commercial' designation, the use of those lands located in the easterly halves of Blocks 'F' and 'H', Plan M-1, shall be limited to primarily service oriented commercial uses.

D2.5.10 Notwithstanding their 'General Commercial' designation, those lands comprised of Part Lots 1 and 2, West Side of Princess Street and being Parts 1 and 2, Plan 3R-3997 shall only be used for parking and access/egress purposes.

Mod #57 D2.5.11

Shopping Centres

The following policies shall apply to Shopping Centre development. Shopping Centre type development includes any group of commercial uses permitted within the General Commercial designation which is owned and/or operated as a unit. A 'Shopping Centre' may be considered a group of commercial uses owned or managed by one corporation.

Mod #57

a) All proposals for new Shopping Centre development shall require an amendment to the Zoning By-law. The Kincardine BIA and Chamber of Commerce shall be given formal notice of all such proposals at the time of Zoning By-law Amendment.

Mod #57

b) Shopping Centre development should only be permitted if:

i) it is demonstrated in a market analysis study that the additional retail floor space is justified by reason of changes in population, personal disposable income, retail sales per capita and existing retail floor space; and,

ii) it is demonstrated in an economic analysis study the proposed centre will not have a long term detrimental effect upon the existing commercial base of the downtown commercial core.

Mod #57

iii) the planned function of the General Commercial area is not negatively impacted.

c) In order to facilitate the review of Shopping Centre proposals, the following information should be supplied as part of the information required to support an application for a zoning amendment.

- i) a general review of the location, size and type of other commercial areas within the market area;
- ii) a breakdown of the amount of floor space to be devoted to food shopping, department store type merchandise and to ancillary services;
- iii) gross floor space of the proposed development;
- iv) a survey of customer shopping patterns which is used as a basis for forecasting the centre's share of the market;
- v) a study of the impact of the proposed development on existing commercial areas and an estimate of their anticipated recovery period from this impact; and,
- vi) a study of the impact of the new centre on the existing roads.

d) Site design considerations for Shopping Centre uses should include:

Mod #57

- i) Adequate buffer planting or fencing shall be established between the Shopping Centre and adjacent residential uses. It shall be the responsibility of the Shopping Centre developer to provide and maintain the required buffer;
- ii) Adequate off-street parking shall be provided;
- iii) The design and appearance of buildings, including exterior materials, siting, location, landscaping, exterior lighting and signing shall not detract from other surrounding land uses;
- iv) The lot size shall be adequate for the proposed development; and,
- v) Proposals for Shopping Centre development shall be subject to Site Plan Control and the developer shall be required to enter into an agreement with the Municipality as a condition of Site Plan approval.

Mod #57

SPECIAL POLICY AREA

D2.5.12 Notwithstanding [Section D2.3 Permitted Uses](#), on those lands designated 'Special Policy Area No. D2.5.12' the municipality may, through its comprehensive zoning by-law, permit dwelling units including an apartment dwelling.

OPA # 2

The lands within the 'Special Policy Area No. D2.5.12' designation include the lands described as Part of Lots 'A' & 'B', W/S Queen, Plan 61, Municipality of Kincardine (geographic Town of Kincardine).

D2.5.13 Notwithstanding [Section D2.3 Permitted Uses](#), on those lands designated 'Special Policy Area No. D2.5.13', the municipality may, through its comprehensive zoning by-law, permit an apartment dwelling as a principle use.

OPA # 8

The lands within the 'Special Policy Area No. D2.5.13' designation include the lands described as Lot 6, S/S Durham Market, Townplot of Penetangore, Municipality of Kincardine (geographic Town of Kincardine).

D2.6

Mod #58

HIGHWAY COMMERCIAL POLICIES

The following uses shall be considered as being permitted with the Highway Commercial designation:

- i) Service stations, public garages, automobile sales and service, car washing establishments;
- ii) Drive-in restaurants;
- iii) Hotels, motels, and related tourist facilities;
- iv) Bowling alleys, curling rinks, public and private clubs, and other places of entertainment and recreation;
- v) Agricultural and industrial equipment sales and service;
- vi) Restaurants;
- vii) Boat, snowmobile, mobile home and trailer sales and service agencies;
- viii) Building supply sales, home furnishing and appliance sales and storage;
- ix) A local convenience store and personal service facility;
- x) Veterinarian clinics and associated uses;
- xi) Transportation depots;
- xiii) Nurseries and greenhouse; and,
- xiv) Office(s) accessory to permitted principal use.

Mod #58

D2.6.1 Highway Commercial uses should be grouped to minimize entrances and provide interior connections in parking areas. Comprehensive development will occur by means of common access to arterial roads by service roads, in order to prevent irregular lot depths or landlocking.

D2.6.2 Site design considerations for Highway Commercial uses shall include:

- a) Landscaping shall be provided between any Highway Commercial use or parking area and the adjacent highway, except for designated entrances and exits; and between a Highway Commercial use and an abutting Residential use;
- b) Adequate landscaping shall be provided on the site;
- c) Adequate off-street parking shall be provided;
- d) Signs should be designed to be functional and avoid visual clutter and distraction;
- e) Outdoor lighting shall direct light away from adjacent streets and uses;

Mod #59

- f) Outside storage shall be located to the rear of the main building on the lot, wherever possible; and
- g) New developments shall be designed to complement the area and provide continuity in architectural and landscape design.

Mod #60

D2.6.3 Area Specific Policies

Mod #60

Notwithstanding the permitted uses of [Section D2.3](#), it is the intent of this Plan that a limited range of General Commercial uses may be permitted within the Broadway/Charles Street and Queen Street/Kincardine Avenue areas Highway Commercial Area Specific Policy designations. Such uses shall proceed by means of an amendment to the Zoning By-law.

In considering such proposals, the Council must be satisfied that the proposed use cannot be appropriately located within the General Commercial designation and that the proposed use will not adversely affect the function and viability of the General Commercial areas of the Municipality.

D2.7 LOCAL COMMERCIAL POLICIES

D2.7.1

Mod #61

Development will be of such a scale and type that will be compatible with the existing character of the area and that will serve only the needs of the residents of the surrounding neighbourhood. Local Commercial uses shall also be permitted in Residential, Institutional and Shoreline designations.

Mod #61

Local Commercial uses serve the daily needs of an adjacent residential neighbourhood, providing only convenience and personal service facilities. Local Commercial uses are not shown on the Land Use Plan, but may include barber shops, beauty shops, tailor shops, shoe repair shops, wine and/or beer making establishments as permitted uses.

D2.7.2

Local Commercial development shall not affect the economic viability of other Commercial areas, including the downtown.

D2.7.3

Development shall be located and designed to minimize traffic conflicts and where possible, shall be encouraged to locate at street intersections.

D2.7.4

Landscaping shall be provided between Local Commercial uses and abutting Residential uses.

D2.7.5

Adequate off-street parking shall be provided.

D2.7.6

External advertisements and signs shall be designed to maintain the appearance of the area.

D2.7.7 The establishment of Local Commercial uses will proceed by amendment to the Zoning By-law.

D2.8 RESORT COMMERCIAL POLICIES

D2.8.1 Resort Commercial uses will only be allowed if they conform to a Small Craft Harbour Facilities study, approved by Council, and by amendment to the Zoning By-Law.

D2.8.2 Aesthetic quality will be encouraged through the use of Site Plan Controls under The Planning Act.

D2.8.3 Continued upgrading of marine facilities will be encouraged to further develop the local tourist industry.

D2.8.4 Site design considerations for Resort Commercial uses shall include:

- a) The location and massing of buildings to maintain attractive harbour vistas;
- b) The number and location of entrances/exits relative to the existing road network;
- c) Adequate landscaping shall be provided with landscaping between Resort Commercial uses and adjacent land uses;
- d) Development will be of a type and scale which is compatible with the area; and,
- e) Adequate off-street parking shall be provided.

D3 INDUSTRIAL

D3.1 GOAL

The Municipality of Kincardine will be recognized as a Centre of Excellence serving the needs of nuclear and alternate energy industry.

A greater number and variety of job opportunities will be encouraged by providing adequate and suitably located areas for Industrial activities and by providing policies to promote the development of these functions.

D3.2 OBJECTIVES

D3.2.1 Serviced areas for future industrial development will be provided, and the development of the Bruce ECO-Industrial Park with an attractive and functional site design will be encouraged.

D3.2.2 Diversification and expansion of the Municipality's Industrial base will be encouraged.

D3.2.3 Secondary industries related to the B.N.P.D. or spin- off industries related to the Bruce ECO-Industrial Park will be encouraged to locate in the Bruce ECO-Industrial Park.

The Municipality will plan for, protect and preserve employment areas for current and future uses and will ensure that the necessary infrastructure is provided to support current and projected needs.

D3.2.4 The Municipality of Kincardine will continue to follow an aggressive industrial development strategy.

D3.3 PERMITTED USES

Mod #64

In areas designated Industrial, the predominant use of the land shall be for the manufacture, assembly, process, fabrication, repair, maintenance and storage of goods, materials, commodities and equipment and related uses and includes fuel storage depots.

Complementary uses such as wholesale outlets, offices, training facilities and showrooms accessory to industrial operations and research and development facilities may also be permitted. Other complementary uses may include recreational facilities oriented to physical fitness, parks and open space, public uses, such as roads, public works yards, services and utilities and educational, commercial or recreational uses which directly serve the industries or employees.

D3.4 POLICIES

D3.4.1 All industries shall meet the emission standards of the Ministry of the Environment, and where necessary, obtain the approval of the Ministry of the Environment with respect to water supply, sewage treatment, solid waste disposal, and emissions including noise, fumes and odours.

D3.4.2 New Industrial development will be subject to Site Plan Control.

D3.4.3

Heavy Industrial uses shall be located so that surrounding uses are not adversely affected, and so that adverse effects of any emissions of smoke, noise and odours or increased traffic generation are minimized.

Mod #65

D3.4.4

Where residential land or other sensitive land uses are within the distances identified below from proposed industrial uses, an assessment of the potential impact of the industrial use and mitigation measures to prevent adverse effects that may be experienced shall be required in accordance with the Ministry of Environment Guideline D-6 (Compatibility Between Industrial Facilities and Sensitive Land Use):

| | <u>TYPE OF USE</u> | <u>AREA OF INFLUENCE</u> |
|----|---|--------------------------|
| a) | Class III (Heavy industrial uses) Large scale manufacturing or processing industries, characterized by major annoyances and high probability of fugitive emissions | 1000 metres |
| b) | Class II (Medium industrial uses) Medium scale processing and manufacturing including outdoor storage, associated with minor annoyances including noise, odour, dust, vibrations and low probability of fugitive emissions. | 300 metres |
| c) | Class I (Light industrial uses) Small scale, self-contained plants or buildings having a low probability of fugitive emission and has no outdoor storage | 70 metres |

Where an impact assessment study recommends larger setbacks, such larger setbacks shall be considered the appropriate minimum setbacks for industrial development from residential or other sensitive land uses. In cases where the separation distance can be reduced through other buffering techniques the Ministry recommends, where feasible, that some site-specific notification be implemented to deal with future changes in use which would not normally require re-zoning.

D3.4.5

Mod #66

Open storage of goods or materials shall be located in interior lots, in rear yards and interior side yards, not fronting on major roads and shall be adequately screened by plantings, berms, fences, or buildings and shall comply with the provisions of the Zoning By-Law.

- D3.4.6 Upgraded landscaping shall be provided where Industrial uses abut Residential areas or municipal roadways. Landscaping materials should be indigenous and self-sustaining.
- D3.4.7 All industries shall be provided with adequate off-street parking, loading facilities, buffer and setbacks, in accordance with the provisions of the Zoning By-Law.
- D3.4.8 Development within the Industrial park will provide for the preservation of those existing landscape features which are determined by Council to be worthy of conservation.

D4 BUSINESS PARK

In addition to the policies which apply to all industrial areas, the following policies shall apply to those lands designated “Business Park”. For ease of reference these lands shall be referred to as “Business Park.”

D4.1 PERMITTED USES

In areas referred to as Business Park the various uses permitted shall complement the economic function of the downtown commercial core and not have a negative impact on the economic viability of the downtown. In general the range of uses include highway commercial uses and light industrial uses.

The predominant highway commercial uses shall be those commercial uses which are dependent upon a high degree of access and visibility to vehicular traffic such as motels, eating establishments forming part of a motel, motor vehicle service stations and gas bars, automotive and recreational vehicle sales, service and rental establishments, agricultural and industrial equipment sales and service establishments, and contractor yards.

Limited retail commercial establishments having large floor area and parking and/or outdoor storage or display requirements not consistent with the compact nature of the downtown commercial core shall be permitted. The Permitted Uses shall be limited to:

- i) major furniture and appliance sale;
- ii) warehouse outlet;
- iii) building supply outlet;
- iv) fitness centre
- v) restaurant;
- vi) supermarket/grocery store;
- vii) similar retail commercial uses

All limited commercial establishments shall have a minimum of 232 square metres (2500 square feet) of ‘net retail floor area’ and shall be located in a ‘single use building’. ‘Net retail floor area’ means the floor area of the building/structure minus those areas used for storage, receiving, HVAC etc. ‘Single use building’ means a freestanding building/structure not connected to an adjacent building/structure at any point or face.

The predominant Industrial uses shall be non-obnoxious light industries involved with the manufacture, assembly, process, fabrication, repair, maintenance and indoor storage of goods, materials, commodities and equipment, enclosed warehousing, offices, public utilities, research and development facilities, computer, electronic or data processing establishments, scientific or technological establishments, communication, business and government services, and information technology based businesses, services and industries.

D4.2 POLICIES

Mod #68

- a) The Municipality shall encourage new Highway Commercial and Light Industrial development to locate within the Business Park designation.
- b) In order that the Business Park lands develop as an attractive entrance to the community the following site development standards shall be addressed by all development proposals:
 - i) landscaping shall be provided between any permitted use or parking areas and the adjacent roads;
 - ii) outdoor storage for uses other than automotive and recreational vehicle dealerships shall generally be restricted.
 - iii) signs shall be designed to be functional, attractive and avoid visual clutter and distraction, and where possible should be consolidated on shared sign structures;
 - iv) underground wiring for hydro, telephone, and other transmission lines shall be required; and,
 - v) Landscaping shall be provided within parking areas to create visual breaks in the expanse of parking areas. The equivalent of one landscaped space for every 50 parking spaced shall be provided.

Mod #68

- c) Access to the Business Park and individual lots shall be from internal roadways and joint use parking areas. In no case shall individual lots have direct access onto Highway #21 or Highway # 9 unless they are used by a public authority providing municipal or emergency services with approval.
- d) Adequate off-street customer and employee parking facilities shall be provided.

Mod #68 e) Off-street parking, drive-ways and/or loading areas adjacent to residential uses shall be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment, given the size of the use proposed.

Mod #68 f) All parking areas shall be appropriately illuminated to ensure the safety of pedestrian and vehicular access. Negative effects of lighting in parking and all outdoor areas shall be minimized to ensure safety for use of the property and of adjoining streets and properties. Lights should shine down and away from abutting properties or roads.

Mod #68 g) Effects of Business Park development on adjacent land uses shall be minimized by:

- i) providing distance separation and/or the construction and maintenance of buffer strips and/or screening between such uses;
- Mod #68 ii) the arrangement of lighting facilities and commercial signs, in accordance with [H11](#), to minimize impact on surrounding uses;
- iii) ensuring that off-street parking facilities do not adversely affect surrounding uses; and,
- Mod #68 iv) providing for a 30 metre buffer area planting strip stocked with mature coniferous and deciduous trees when development abuts a Residential zone or use, when abutting a residential use along the front lot line or street line.

h) All new buildings and structures shall be set back a minimum of 15 metres from Highway #21 and Highway #9.

i) The minimum lot size shall be dependent on the nature of the use, the topography and drainage.

j) The internal road pattern for the Business Park, identified on Schedule A to this Plan, is conceptual in nature and may be changed or altered without the need for an amendment to this Plan.

k) All Business Park development shall be subject to site plan control.

Mod #68 l) Area Specific Policy

Notwithstanding the above policies, those lands identified as “Business Park Special” may be used in accordance with the “Residential” policies of this Plan found in [Section D1](#). These lands are recognized as being occupied by a historic log cabin which may continue to be used for residential purposes until such time as the owner decides to use the property in accordance with the above noted “Business Park” policies.

Mod #68

The lands within the “Business Park Special” designation include the lot described as Part Lot 2, Concession 1 SDR (being Part 1, RP 3R-3887 and Part 1, RP 3R-6579), Municipality of Kincardine (geographic Town of Kincardine), plus a 30 metre buffer area abutting the western and southern lot lines of the above noted property.

The 30 metre buffer area shall be a planting strip stocked with mature coniferous and deciduous trees. It is the intent of this Plan to limit the impact on the “Business Park Special” area by future commercial or industrial development. Development proposals abutting this area shall incorporate into their site plans measures to minimize impacts on this property.

D5 INSTITUTIONAL

D5.1 GOAL

Institutional, educational and cultural facilities will be provided in suitable locations to adequately serve all interest groups.

D5.2 OBJECTIVES

- D5.2.1 Institutional uses will be encouraged to serve the entire Municipality and to locate within or near the core area where possible.
- D5.2.2 Institutional uses, including major education and training facilities will be actively promoted in the Municipality.
- D5.2.3 Co-operative use of community facilities with nearby Municipalities will be promoted.
- D5.2.4 Development of cultural facilities will be encouraged.
- D5.2.5 Multiple use of Institutional areas and buildings will be promoted.
- D5.2.6 Creative use of design to blend Institutional uses into the surrounding area will be promoted.

Mod #69

D5.3 PERMITTED INSTITUTIONAL USES

In the Institutional classification of land, the predominant use of land shall be for public and private Institutional uses. Small scale institutional uses are generally compatible with residential land uses, and are permitted in the Residential designation as identified in the Residential development policies. Institutional uses will also be permitted in the General Commercial designation. Major Institutional

uses are shown on the Land Use Plan. Ancillary uses such as parking lots, accessory residences and open space shall also be permitted.

D5.4 POLICIES

D5.4.1 Institutional uses shall be located and designed to perform efficiently without disrupting adjacent land uses.

D5.4.2 Joint use of both community and educational facilities, and the location of schools adjacent to public open space will be encouraged where practical.

D5.4.3 Adequate buffering, screen planting and/or fencing shall be provided between Institutional uses and adjacent Residential areas.

D5.4.4 Adequate off-street parking areas with suitable screening and buffering will be provided. Entrances and exits to parking areas will be limited in number and designed to minimize danger to vehicular and pedestrian traffic in the immediate area.

Mod #70

D5.4.5 The Municipality will seek to assist the Bluewater District School Board and the Grey-Bruce Roman Catholic Separate School Board by providing any information required to determine future education requirements.

D5.4.6 New Institutional uses shall proceed by amendment to the Zoning By-Law and may be subject to Site Plan Control under the Planning Act.

D6 OPEN SPACE

D6.1 GOAL

It shall be the goal of this Plan to maintain and enhance the quality of the environment of the Municipality of Kincardine by ensuring that sufficient land is preserved for Recreational purposes, by maximizing the Recreational opportunities on existing lands with recreational capability and by providing the necessary facilities to meet the future needs of the residents of Kincardine.

D6.2 OBJECTIVES

D6.2.1 The Municipality shall promote healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including walking and cycling.

The Municipality shall provide for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and water-based resources.

The Municipality shall provide opportunities for public access to shorelines including an integrated multi-use trail facility.

The Municipality shall consider the impacts of planning decisions on provincial parks, conservation reserves and conservation areas.

Adequate urban parks and recreational facilities of all sizes and functions will be provided.

D6.2.2 A full range of recreational programmes will continue to be promoted.

D6.2.3 The development of the tourist industry will be encouraged through improving and promoting tourist attractions.

D6.3 PERMITTED USES

The predominant use of land designated Open space shall be for Open Space conservation and recreation. Open Space includes natural areas, parks, playgrounds, tennis courts, community centres, community trails and similar recreational uses; and buildings accessory to such recreational and open space uses.

D6.4 POLICIES

D6.4.1 Public Open Space will be provided according to the following standards:

PUBLIC OPEN SPACE AREA STANDARDS

| AREA | NUMBER OF HECTARES PER 1000 POPULATION | SERVICE RADIUS | MINIMUM SIZE |
|--|---|---------------------------------|-------------------|
| Sub-Neighbourhood | Included in neighbourhood and community parks | 0.20 km | 500m ² |
| Neighbourhood Park and Elementary School combination | 2.0 | 0.40 to 0.80 km | 4 hectares |
| Community Park and Secondary School Combination | 1.5 | 0.6 to 2.4 km | 12 hectares |
| Regional and Special Use | 6.5 | 8 to 50 km | 20 hectares |
| TOTAL OPEN SPACE | | 10.0 Hectares | |
| TOTAL OPEN SPACE | | 10.0 Hectares / 1000 Population | |

Mod #71

These standards can be reduced by 25 per cent where a park and a school are adjacent and completely accessible to one another.

Upon completion of a Public Recreation Master Plan, the provision of public Open Space shall consider the recommendations of that Plan.

D6.4.2 Council shall require in the case of a subdivision proposed for commercial or industrial purposes two percent dedication of land for park purposes; and in all other cases either five percent dedication of land for park purposes or the dedication of land according to the density based ratio of 1 hectare for each 300 dwelling units; whichever amount is greater, in the following circumstances:

Mod #72

a) as a condition of subdivision or condominium approval under Section 51(25) of the Planning Act,

Mod #72

b) as a condition of development or redevelopment of land under Section 42(1) a) or b)

D6.4.3

Mod #73

Cash-in-lieu of the whole or part of the park dedication may be accepted, pursuant to Section 42(6) and 51.1(3) of The Planning Act, under the following circumstances:

- a) Adequate parkland is available or being provided to serve neighbourhood requirements;
- b) The park dedication would be unsuitable in terms of size, shape or location for park purposes; and,
- c) Where the required park dedication would render the remainder of the development site unsuitable or impractical for development.

D6.4.4

With regard to the provision of park space, subdivision and development agreements will consider the following:

- a) The site is centrally located, visible and accessible to neighbourhood residents, including those living adjacent to the proposed development, where appropriate;
- b) The site is properly drained and physically suitable for functional use; and,
- c) Responsibilities are set out for the development of the park area and the provision of park facilities and equipment.

D6.4.5

Parks and Open Space will be developed on the basis of site plans.

D6.4.6

Existing roadside trees shall be maintained or replaced by the Municipality, wherever possible; and roadside tree planting of one tree every lot on both sides of the road shall be provided in new subdivisions by the developer.

The Municipality shall also encourage the establishment of natural wind breaks to reduce erosion and snow accumulation throughout the Municipality.

D6.4.7

Where any lands are designated for Open Space use which are under private ownership, this Plan does not intend that this land will remain as Open Space indefinitely, nor shall it be construed as implying that Open Space areas are free and open to the general public, or that the lands will be purchased by a public authority. If proposals are made to develop such lands, which are under private ownership, and no public authority wishes to purchase the lands in order to maintain them as Open Space, then an application for redesignation will be considered as an amendment to this Plan.

D6.4.8

Mod #74

It shall be the policy of this Plan to retain existing actively maintained public parks within the Open Space designation and increase public access to the waterfront wherever appropriate.

D6.4.9 The Municipality shall work towards the development of a trail system linking the river system, the shoreline and natural and open space areas, with major commercial, residential and institutional land areas. Connectivity shall be maintained with transportation systems and trails.

Mod #75

D6.4.10 The development of the Municipality's waterfront shall be with reference to Waterfront Development plans.

D6.4.11 The Municipality shall work towards improving opportunities for picnicking by the travelling public and local residents within appropriate areas of the community.

D6.4.12 The Municipality shall encourage the establishment and expansion of the Provincial campground uses and facilities at Inverhuron.

D7 NATURAL ENVIRONMENT AREAS

D7.1 GOAL

To protect and preserve areas with inherent physical and/or environmental constraints to development which if developed could pose a danger to life or property; and, to conserve the natural heritage features of the Municipality.

Mod #76

To maintain, restore and improve the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, and to recognize linkages between and among natural heritage features and areas, surface water features and ground water features.

Mod #76

The main natural environment lands within this Plan area of the Municipality are the Penetangore River, its tributaries and their adjacent valley slopes, other watercourses that flow to Lake Huron, the Lake Huron shoreline, the ancient bluffs, and other natural heritage features that fall within the Plan area. Hazard lands include floodplain, wetlands, organic or unstable soils, poorly drained soils and low-lying areas, steep and unstable slopes, and flooding, erosion and dynamic beach hazards associated with Lake Huron.

D7.2 OBJECTIVES

D7.2.1 To identify those areas that pose a risk to development and to direct development away from such areas.

D7.2.2 Natural features and areas shall be protected for the long term.

D7.2.3 A long term programme will be undertaken to consider remedial works, where warranted, to reduce the threat to existing development.

In addition, a long term programme will be undertaken to consider works in the inshore area of Lake Huron which will have the effect of protecting and enhancing the shoreline through accretion of sand and gravel materials, widening the beach area, and lowering the slope of the inshore lake bottom.

D7.2.4 The Penetangore River Valleys and the Lake Huron Shoreline will be encouraged to be developed as a major Open Space area, both for natural environment protection, public use and open space linking Residential and Commercial Areas. The SVCA should be consulted to ensure that any proposed uses and/or construction of trails are appropriate for specific areas.

D7.3 GENERAL PRINCIPLES

Mod #77

The Natural Environment designation is comprised of those lands having inherent natural hazards such as flood or erosion susceptibility, steep slopes, poor drainage, areas of organic soils, and other physical conditions which, if developed upon, could cause loss of life, property damage, social disruption or result in the degradation of the environment. Council shall, therefore, require these type of lands to be retained in a natural state.

In addition, the Natural Environment designation includes significant natural heritage features such as valley lands, significant woodlands, wildlife habitat and fish habitat, provincially, locally and regionally significant wetlands, Areas of Natural and Scientific Interest (ANSIs); and cold water streams. Development and site alteration shall not be permitted in areas containing or adjacent to natural heritage features.

The Natural Environment designation as shown on Schedule 'A' is based upon one or more of the following features:

- a) The Regional Storm floodplain for the Penetangore River and its tributaries. For the area west of Highway No. 21 engineered floodplain mapping identifies the Regional Storm floodplain, whereas for the area east of Highway No. 21 such mapping is presently not available. As new mapping is approved it will be included by amendment to this Plan;
- b) The valley slopes bordering the Penetangore River and its tributaries, plus a horizontal setback where appropriate, and the SVCA Fill Regulated Area;
- c) The one in 100 year flood level along the Lake Huron Shoreline as indicated on the Saugeen Valley Conservation Authority Flood Risk Maps for the Municipality of Kincardine plus a:

- i) Flooding and Erosion Hazard Limit - being a 15 metre allowance for wave uprush, erosion and other water related hazards, measured horizontally landward from the 100 year flood line;

And where appropriate a:

- ii) Dynamic Beach Hazard Limit - being a dynamic beach allowance of up to 30 metres measured landward from the Flooding and Erosion Hazard limit to recognize areas of inherently changeable accumulations of shoreline sediments.

Interpretation of the boundaries of the Natural Environment designation should be based upon evaluation of the above information and any other applicable policies of this Official Plan.

However, for the exact location of the flood line or other hazardous feature on any property, the owner is advised to review the detailed mapping available at the Saugeen Valley Conservation Authority, and to obtain their input, interpretation, and recommendation.

Mod #77

Natural heritage features are identified and can only be modified by the Ministry of Natural Resources. Other provincial ministries shall be included in consultation when required. Hazard lands are identified by the Saugeen Valley Conservation Authority. Minor adjustments to the boundaries shall not require an amendment to this Plan.

D7.4 PERMITTED USES

Mod #78

The predominant uses of land within the Natural Environment designation shall be agriculture, conservation and preservation of the natural environment, wildlife areas, existing agricultural uses, public parks, forestry, emergency services specifically for water rescue, and passive outdoor recreation but not including golf courses. Nursery gardening, marinas, boat houses and active outdoor recreation may be considered in areas outside of significant features.

Those uses and activities which could be adversely affected by, or which could increase the potential risk associated with the inherent physical hazards, shall be prohibited.

Approval of the Saugeen Valley Conservation Authority shall be obtained for any permitted use, where required under the SVCA's Regulations.

D7.5 POLICIES

The following policies apply to the Natural Environment designation:

- a) The erection of buildings and structures or the placing or removal of fill of any kind, whether originating on the site or elsewhere, within a Natural Environment Area are generally prohibited. Minor extensions or enlargements of existing buildings and structures shall be discouraged.
- b) Certain buildings and structures that must be located within the Natural Environment Area by the nature of their use, such as for flood or erosion control, are permitted. Nonetheless, any building or structure which could be located outside the Natural Environment Area is not permitted. Non-habitable buildings connected with public parks, such as picnic shelters, may be permitted.
- c) The boundaries of the Natural Environment Area are delineated in a conceptual manner on the attached Schedule 'A', 'B' and 'C'. The exact location of the boundaries of the Natural Environment Area shall be delineated in the implementing Zoning By-law.
- d) Development and site alteration shall not be permitted within the floodway portion of the floodplain, as defined by the Regional Storm flood.
- e) Replacement of existing buildings or structures damaged by natural causes may be permitted if the hazard risk does not increase from the original condition.
- f) New development or site alteration shall not be permitted within 30 metres of a cold water stream or 15 metres of a warm water stream, except for the restoration or minor expansion of buildings or structures legally existing at the date of adoption of this Plan, or site alteration in association with a legally established use.

Landowners are encouraged to forest or naturalize the areas within 30 metres of any stream to maintain and improve fish habitat and the ecological function of the stream and to increase natural connections.

Existing agricultural uses will be encouraged to minimize the potential impact on the environment by following best management practices endorsed by the SVCA.

- g) Development or site alteration may be permitted in significant wildlife features and in adjacent lands (50) metres provided an acceptable Environmental Impact Study is completed in accordance with the criteria outlined in this Plan, [Section D7.6](#) which demonstrates that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.

Mod #79

- h) Uses that require landform modifications, such as parking lots, are not permitted in areas of environmental sensitivity, such as the Lake Huron shoreline.
- j) Where new development is proposed on a site, part of which has physical or environmental hazards, then such land will not necessarily be acceptable as part of the dedication for open space purposes required under the Planning Act, R.S.O., 1990, as amended. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality. Where an open watercourse is dedicated to the Municipality, adequate space shall be provided for maintenance operations. If necessary, the Municipality may request a maintenance easement, at no cost to the corporation, in its favour.
- k) If more detailed Natural Environment and Natural Heritage mapping becomes available and is recognized by the Municipality, or should flood control or similar works be undertaken, to the satisfaction of the Municipality and the Saugeen Valley Conservation Authority, which result in major changes in areas designated Natural Environment, then this Plan may be amended as required.
- l) It shall be the policy of this Plan that in considering an application for the redesignation of lands designated Natural Environment for other purposes, Council will consider redesignation, if all of the following can be satisfied:
 - i) The hazards can be safely addressed and new hazards are not created or existing ones aggravated. This may include preparation of an engineering study to the satisfaction of Council and the SVCA;
 - ii) No adverse or negative environmental impacts will result, and it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which they have been identified. The Municipality, in consultation with the SVCA shall require an Environmental Impact Study to be prepared, at the proponent's expense, in accordance with [Section D7.6](#) of this Plan;
 - iii) Vehicles and people have a way of safely entering and exiting at all times;
 - iv) The development does not include institutional uses, emergency services (excluding emergency services specifically for water rescue), or involve hazardous substances, and;
 - v) The advice, or approval where required, of the Conservation Authority shall be obtained.
- m) Where development or site alteration is proposed and detailed mapping is not available, the proponent shall be required to produce the necessary mapping.

D7.5 l) – deleted
by Mod #79

Mod #79

- n) It shall be the policy of this Plan that the areas designated Natural Environment shall be zoned in a separate and restrictive classification in the implementing Zoning By-Law and/or appropriately protected through the use of SVCA Regulations.
- o) Written permission may be required from the Saugeen Valley Conservation Authority pursuant to Ontario Regulation 169/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses where development or site grading is proposed within a Regulated Area as shown on schedules filed with the SVCA where such mapping exists or otherwise generally within or near the Natural Environment designation. In areas that are subject to the SVCA Regulation No. 169/06 and where the intent of the Natural Environment designation is being maintained, the Municipality has the option of relying on the regulatory role of the SVCA through their Regulations to implement the intent of the hazards relating to the Natural Environment designation along the shoreline areas of Lake Huron.

D7.6 ENVIRONMENTAL IMPACT STUDY

Mod #80

The Municipality may waive the requirement for the preparation of an EIS upon recommendation of the SVCA, if the proposal is of such a minor nature or site conditions are such that the preparation of an EIS would serve no useful purpose for the protection of the environmental features.

If required, an EIS shall be completed by a qualified professional with expertise in the appropriate environmental sciences at the expense of the proponent.

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2012-042

The study shall conform to the County of Bruce Environmental Impact Study Guideline, as amended from time to time.

Mod #80

- e) On lands that are designated as a “Significant Woodland” on Schedules ‘A’ or ‘C’ of this Plan, the proponent may also be required to prepare a Comprehensive Environmental Evaluation Report (CEER) as specified in [Section C2.3.2.](#) or incorporate the requirements of an EIS into the CEER.”
- f) other such items as may be required by the Municipality or the SVCA

It is the policy of the Municipality to involve the Saugeen Valley Conservation Authority whenever an EIS is required.

D7.7 ADJACENT LANDS

In this Plan the Adjacent Land shall be defined as the relatively level land measured 50 metres back from the Natural Environment designation. Development within the Adjacent Lands shall only occur in accordance with the following policies:

- a) Development which may have a significant impact on lands located within or adjacent to valleylands may require the preparation of an Environmental Impact Statement, by the proponent, to ensure that lands are not negatively impacted by the proposed development. An EIS shall be prepared in accordance with [Section D7.6](#).
- b) Since the natural Environment designation includes the valley slopes but may not always include the level land back from the top of the slope, the potential for slope instability may not be fully addressed by this designation alone. Therefore, the SVCA should be consulted prior to the issuance of a building permit within 50 metres of the top of the valley slope. The policy stated in [Section D7.9.5 b\)](#) shall apply to proposed developments within this setback area.
- c) No development or site alteration shall be permitted on adjacent lands located within 120 metres of an identified Provincially Significant Wetland (PSW) unless it can be shown through an Environmental Impact Statement, completed in accordance with the criteria outlined in this Plan, that there will be no negative impacts on the integrity of the wetland or its ecological functions.
- d) No development or site alteration shall be permitted on adjacent lands located within 50 metres of an identified Locally Significant Wetland (LSW) unless it can be shown through an Environmental Impact Statement, completed in accordance with the criteria outlined in this Plan, that there will be no negative impacts on the integrity of the wetland or its ecological functions.
- e) Development and site alteration may be permitted within 50 metres of the ANSIs provided an acceptable Environmental Impact Study is completed in accordance with the criteria outline in this Plan, which demonstrates that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

D7.8 NATURAL ENVIRONMENT EXCEPTION - KINCARDINE HARBOUR

Notwithstanding any other section of this Plan, on lands referred to as the Kincardine Harbour, and designated “Natural Environment - Exception”, uses related to the waterfront, such as marinas, restaurants, recreational facilities and specialized retail uses shall be permitted, provided they comply with the Municipality of Kincardine Waterfront Development Plan, and provided they meet the following design standards:

- a) habitable uses shall not be permitted;

- b) buildings shall be set back from the water's edge (edge of harbour wall) a minimum of 6 metres;
- c) buildings shall be floodproofed to the Regional Storm Flood elevation;
- d) appropriate erosion and sediment control measures shall be used during construction to prevent sediment entering the river;
- e) public access to the waterfront is maintained; and,
- f) approval of the SVCA shall be obtained prior to the issuing of a building permit;

D7.9 DEVELOPMENT CONSTRAINT AREAS

A study of all the slopes within the Municipality of Kincardine has been completed by the Saugeen Valley Conservation Authority. This study identifies areas within the Municipality with slope stability problems ranging from minor, to moderate, to severe. The severe areas were noted to be: the east valley slope bounded by Queen Street and Harbour Street; Kincardine Avenue between Adelaide Street and Park Street; the west valley slope east of Victoria Street between Lambton Street (extension) and Russell Street; the valley with the tributary of the North Penetangore River between River Lane north to the former Town of Kincardine limits; and, the west valley slope adjacent to the Kincardine and District High School.

To augment the Natural Environment designation policies in this plan and to recognize the slope instability problems in the Municipality, two Development Constraint Areas are established as shown on Schedule 'A'.

- **Development Constraint Area 1**

A major project was completed by the Municipality and the Saugeen Valley Conservation Authority in the area of Queen and Harbour Street to improve slope stability for the existing development. The Penetangore River Slope Stability and Erosion Control Project is designed to reduce the slope hazard but does not completely remove the threat of soil instability. Therefore, the Development Constraint Area shall continue to apply to the Queen St. - Harbour St. downtown area. New development and redevelopment must still address possible soil instability while also ensuring the project is not compromised.

- **Development Constraint Area 2**

Development Constraint Area 2 applies to the ancient glacial Lake Algonquin bluff west of Penetangore Row and Huron Terrace. New development and

redevelopment should be designed to address site specific slope hazards found in this area.

- **Permitted Uses**

The Development Constraint Area designation is an overlay designation designed to recognize the potential for slope stability problems. Development within this designation will be permitted in accordance with the underlay designation subject to the policies in [Section D7.9](#).

- **Policies for Development Constraint Areas**

- a) New development or redevelopment shall not be permitted where the Municipality or the Saugeen Valley Conservation Authority are of the opinion that any aspect of an existing slope stability project, including the Penetangore River Slope Stability and Erosion Control Project, could be compromised.
- b) Studies may be required, such as geotechnical reports, prepared at the proponent's expense, to address potential slope or soil instability concerns. Such studies shall be prepared by a professional engineer and to the satisfaction of the Municipality and the SVCA.
- c) The areas within the Development Constraint Areas 1 and 2 shall be zoned in a Holding Zone pursuant to Section 36 of the Planning Act. This zone would only permit uses legally existing until such time as the Holding provision is removed. The objective of this zoning approach is to ensure that adequate measures have been undertaken to mitigate potential slope and soil instability problems. The Holding provision will be removed once the Council and the SVCA are satisfied through their approval of plans or otherwise that the potential slope and soil instability problems have been adequately addressed.
- d) Lands affected by the Development Constraint Areas 1 and 2 will also be subject to Site Plan Control.

Mod #81

D8 SHORELINE

D8.1 GOAL

To promote the establishment of a resort community that will satisfy, to some degree, the Provincial and local demand for recreational development and encourage an orderly and efficient pattern of land use in the Lakeshore Area.

To provide the amenities and features associated with a resort community including public open space areas and recreational facilities, natural environmental features and commercial services.

To recognize and preserve the historic character of Inverhuron.

To establish a basis of permitting the development and redevelopment of the area as a permanent residential settlement on the basis of full municipal services or otherwise as may be appropriate.

D8.2 OBJECTIVES

- a) To formulate policies and development standards designed to achieve orderly, compatible and attractive development.
- b) To ensure that permanent residential development is located in areas where appropriate municipal services are provided.
- c) To protect those undeveloped shoreline areas for future public recreation and open space.
- d) To ensure the maintenance of the Shoreline Area and Inverhuron as residential, resort and cottaging area.
- e) To develop an efficient pedestrian and vehicular circulation system, parking and to upgrade the road standards for the Plan area.
- f) To discourage large traffic volumes within the residential portions of the Plan area and to beaches.
- g) To recognize areas having limited municipal services and prevent the need to extend services to these areas to address environmental or health problems.
- h) To plan for full sewer and water services for these areas.
- i) To maintain and improve public access to the shoreline.

D8.3 PERMITTED USES

The permitted uses in the Shoreline designation include permanent and seasonal dwellings, resort commercial uses, convenience commercial uses, institutional uses serving the immediate community such as schools and places of worship, marinas, public parks, campground and other outdoor recreational uses and natural heritage features.

D8.4 GENERAL DEVELOPMENT POLICIES

- D8.4.1 Development in this area shall only proceed when a complete and comprehensive evaluation of a development proposal has taken place. The designation of land as Shoreline is no assurance that any given land is suitable for development. New developments proposed within this designation shall be reviewed using a cautionary approach, with attention being given in particular to the impacts of new developments on the natural features and ecological functions of the natural environment. New development proposals within this designation shall be assessed on their own merits and should site conditions be unable to support sound, planned development, new proposals may be refused.
- D8.4.2 Future development will generally occur on public roads built to Municipal standards. Services such as school bussing, garbage collection and snow ploughing will not be provided to development on existing private roads.
- D8.4.3 The Council will encourage the acquisition of points of public access and public open space areas along the Lake Huron shoreline where such become available, for the purposes of developing water oriented public recreation areas.
- D8.4.4 The Lake Huron lakeshore and beach areas will be retained in its natural state where possible and the Council will take measures to prohibit vehicular access to the lakeshore.
- D8.4.5 All new development which is not along the waterfront must attempt to provide or service access to the waterfront for its residents either through easements or special agreements with waterfront owners for access; or through linkages of the internal pedestrian movement system with existing public rights-of-way and access points. The Municipality will encourage the provision of access through open space corridors to the lake, where ever possible.
- D8.4.6 Development will not be permitted where such development would result in surrounding lands becoming landlocked or where the opportunity for the provision of appropriate road access to adjacent lands is not maintained.

D8.4.7 Development shall not be located in areas which have a significant natural habitat(s) or features, or where sites of historical, geological or archaeological significance would be adversely affected.

Mod #82

D8.4.8 Mobile homes will not be permitted, except where the use is required for the temporary housing of workers.

D8.4.9 It is the intention of Council to control future development so as to ensure that growth occurs in a logical and progressive manner from the built-up area to facilitate a continuity and efficient utilization of road and services. In this regard, new development will be discouraged where services such as roads, water and sewage lines must be extended through vacant or undeveloped parcels of land unless the appropriate agreements are in place to enable the intervening lands to utilize those services.

D8.4.10 The Municipality and the County recognize that portions of the Huron Fringe Shoreline area that is designated Shoreline and Industrial meet the criteria of Significant Woodlands. Before development is to occur in this portion of the Shoreline and Industrial designations, a Regional Woodlands Study is to be completed. The results of the study are to be implemented into this Plan by amendment.

D8.4.11

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Written permission may be required from the Saugeen Valley Conservation Authority pursuant to Ontario Regulation 169/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses where development or site grading is proposed within a Regulated Area as shown on schedules filed with the SVCA where such mapping exists or otherwise generally within or near the Natural Environment designation.

D8.5 SHORELINE RESIDENTIAL USES

D8.5.1 Permitted Uses

The predominant use of land designated Shoreline shall be for detached residential dwellings occupied on a permanent or seasonal basis. In addition, other complimentary and compatible uses such as local parks, public utilities, convenience retail uses, limited resort commercial uses, bed and breakfast establishments, a limited number of detached residential dwellings for year-round occupancy and existing non-intensive agricultural uses, will also be permitted. The construction of permanent homes and the conversion of cottages from seasonal to permanent use shall only be permitted where current servicing standards are met.

D8.5.2 Policies

D8.5.2.1 New Development

New development will generally take place by registered plan(s) of subdivision or condominium. Consents for new lots may be permitted for infilling or minor extensions to the built-up area.

Lineal subdivision development will be discouraged and preference will be given to subdivisions which utilize a cluster design and orient public space to the lakeshore.

When reviewing proposals for new residential development the approval authority shall review the proposal in the context of the growth targets outlined in [Section B1.4](#) and the housing targets outlined in [Section D1.4](#).

Depending upon the scale and intensity of a proposed new development, the Municipality may require the completion of an Environmental Impact Study in accordance with the criteria outlined in this Plan, and may also require additional supporting information, to assess the impacts of the proposal on the natural environment and ensure that the protection of significant environmental feature.

D8.5.2.2 Development and Servicing Standards

Any development in excess of three units or lots shall be supported by a servicing options report outlining the most appropriate form of servicing for the development in accordance with Section E, Municipal Services.

Mod #83

Storm drainage shall be considered in all development applications and will be required to comply with the standards of the appropriate Approval Authority.

In order to avoid causing undue hardship on those existing lots which were created in the past on private substandard roads, it is the policy of this Plan that such lots may be zoned to permit the construction of a residential dwelling where there is no desire by the residents to see the roads taken over by the Municipality, or where the Municipality is not interested in assuming the road subject to:

- a) a minimum lot area of 1,000 m² (10,764 sq. ft.) and a minimum lot frontage of 15 m (50 ft.);
- b) satisfactory arrangements being made for the provision of emergency vehicle access to the lots;

- c) any necessary arrangements including a registerable agreement being entered into between the owner and the municipality regarding the provision of municipal services to the lot; and,
- d) any other applicable policies contained in this plan.

On site servicing costs will be borne by the developer.

Mod #84

D8.5.2.3 Density for Shoreline Residential Uses

Mod #84

Lots Serviced by Full Municipal Services or Communal Services

OPA # 5
2012-042

It is the policy of this Plan to require the residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments that will be serviced by full municipal services or communal services to have a density target of no less than 15 'dwelling units' per 'gross developable hectare', in accordance with [Section G2.3](#) of this Plan.

Lots Serviced by Private Waste Disposal or Private Water

OPA # 5
2012-042

The minimum lot area for all new development shall be no less than 4047 square metres per lot unless a smaller lot size is supported by a 'Hydrogeological Report' and 'Sewage Disposal Suitability Report' as outlined in Section 'E' Municipal Services. In no case shall lots for new development on partial services be less than 1800 square metres in area.

An average lot frontage of 30 metres shall also be maintained. The frontage to depth ration shall be a maximum of 1:3.

D8.5.2.4 Policies for Dwellings for Year Round Occupancy

Where residents choose to occupy dwellings on an extended seasonal or permanent basis in areas where the Municipality does not presently provide services such as snow removal, garbage collection, school bussing, fire protection or policing on a year round basis they shall be required to complete an agreement with the Municipality wherein the owners and inhabitants acknowledge the lack of such services and indemnify the Municipality against any claims that may arise from the extended occupation of the lands.

The construction of permanent homes and the conversion of cottages to permanent use shall only be permitted:

- a) where the lot fronts on and has direct access or deeded access from a travelled public road maintained on a year round basis;
- b) on full services, or

- i) where the type of sanitary disposal facilities, size of lot and groundwater conditions are suitable for the year round operation of an individual sewage disposal system, subject to the approval of the Grey Bruce Health Unit or the Ministry of the Environment. Where a large number of private sewage systems exist in one area, a study of the capacity for continued use should be undertaken to the satisfaction of the approval authority.
- ii) on a water supply system which is suitable for operation on a year round basis, subject to the approval of the Grey Bruce Health Unit or the Ministry of the Environment,
- c) in areas where year round road maintenance, school bus service, fire protection, garbage collection, and snowploughing during the winter months is provided by the Municipality or other public body or agency or where the owners have completed an agreement with the Municipality acknowledging that these services may not be available on a year round basis;
- d) where the subject residence meets the standards of both the Ontario Building Code and the Municipality by-laws for permanent residences;

D8.5.2.5 Parks and Landscaping

Where a plan of subdivision, condominium or consent includes lakefront property, a continuous public water-front strip, up to 50 m wide measured from the high water level or the lands defined as flood plain or hazard lands, whichever is greater, should be conveyed to the municipality, together with suitable public pedestrian access. Where these lands are not considered environmentally sensitive such dedications may be considered as part or all of the parkland dedication required under the provisions of The Planning Act. On inland developments, walkways will be provided and designed so as to link adjacent open space or other walkways leading to the lakeshore.

The Municipality of Kincardine holds a marine allowance along the Lake Huron shoreline which is available for public use. Because of fluctuations in the high water mark, the marine allowance can be considered as part of the above mentioned 50 m public waterfront strip.

In making their applications, developers will be required to retain and protect natural features and as much tree cover as possible. In areas of significant woodlands a tree preservation plan shall be required.

D8.5.2.6 Agricultural Code of Practice

In order to protect the farm community to the east of the Plan area, Council will employ the Minimum Distance Separation formula of the Provincial Policy Statement in its land use decisions.

No new development will be permitted within the minimum distance separation arcs of the farm operations along Lakeshore Road, without consulting the Ministries of Agriculture and Food and Environment.

D8.5.2.7 Implementation

All residential land use categories shall be reflected in a separate category in the implementing Restricted Area By-Law.

Mod #86 D8.6

COMMERCIAL USES

Mod #86 D8.6.1

Local Commercial Uses

Convenience retail uses or similar commercial uses which serve the day to day needs of the residents of the Shoreline Area will be permitted subject to re-zoning.

Mod #86

Local Commercial uses serving the daily needs of an adjacent Residential neighbourhood, providing only convenience and personal service facilities, including professional or personal services that are provided for gain and where the retail sale of goods, wares, merchandise or articles is only accessory to the provisions of such services, shall be permitted. Local Commercial uses are not shown on the Land Use Plan.

D8.6.2 In reviewing an application to rezone for this purpose, the Council will ensure that:

- a) the proposed use is needed and will primarily serve the immediate neighbourhood.
- b) the neighbourhood which the proposal will serve is adequately developed to sustain the commercial operation.
- c) the proposed use will not generate a surplus of similar uses in the neighbourhood.
- d) adequate off-street parking is provided.
- e) adequate buffering is provided between such a use and adjacent residential areas by such means as landscaping and building setbacks.

- f) the maximum gross retail floor space is limited to 185 m².

D8.6.3 Tourist Commercial Uses

Commercial uses may be permitted in the Shoreline Residential area subject to rezoning. Resort Commercial uses may only include a private park, a lodge, a resort hotel, a cabin rental establishment, a marina and boat rental facility or a restaurant. For the purposes of this section, a private park does not mean a seasonal campground or a mobile home park. In reviewing an application to rezone for this purpose, the Council will ensure that:

- a) the proposed use is of a scale and character compatible with adjacent residential uses;
- b) large volumes of vehicular traffic from the proposed use will not be incompatible with nearby residential uses;
- c) adequate off-street parking is provided; and,
- d) that adequate buffering is provided between a resort commercial use and adjacent residential areas by such means as screening, landscaping and building setbacks.

D8.6.4 The Zoning By-law will establish standards for tourist commercial developments may be permitted on the basis frontage on the water per unit and a maximum density base on units per hectare where a unit is defined as:

- a) a tent site
- b) a trailer site
- c) a rental cabin or rental cottage
- d) a room or suite in a hotel, motel or lodge.

The Zoning By-law standards will reflect the character of the existing development in the Municipality. Densities up to a maximum of two metres frontage on the water body per unit and a maximum density that does not exceed ten units per hectare, may be permitted through an amendment to the zoning by-law subject to the developer:

- a) proving to Council's satisfaction through an impact study, that there will be no significant negative impact on the environment, the water body capacity, and the property values and quiet enjoyment of surrounding owners; and,

- b) entering into a Site Plan Agreement with the municipality limiting boat docking/launching facilities and making provision for land based recreational facilities such as a golf course, tennis courts or swimming pools.

Shoreline developments that combine residential and commercial uses, including fractional ownership, time share, cooperatives, or condominiums shall meet frontage and density requirements based on the proportion of the development used for residential and commercial purposes.

D8.6.5 Implementation

All commercial land use categories shall be reflected in a separate category in the implementing Restricted Area By-Law.

D9

FUTURE DEVELOPMENT

Mod #87

D9.1

Areas designated as Future Development represent lands directly adjacent to the Urban Service Area of Kincardine and within the designated Primary Urban Community, and are most likely to form part of the urban area at some time in the future. For this reason, development of these lands for intensive agricultural uses or other uses that may preclude the orderly expansion of the Kincardine urban area shall not be permitted in these areas.

D9.2

Uses permitted in the Future Development designation shall include existing uses as of the date of adoption of this Plan, low intensity agricultural uses in compliance with the MDS formula and rural residential uses on existing lots. Existing uses may be permitted to expand provided that the expansion does not involve significant alteration to the landscape or major capital investment in roads and services. New uses or major expansions to existing uses will require an amendment to this Plan.

D9.3

Lands located in Lots 1, 2 and 3 in the Third Concession south of Durham Road are recognized as having draft plan approval for 100 residential mobile homes as of the date of approval of this Plan. Minor changes to the form of housing and or alternative servicing options for this development may be considered through an amendment to the zoning by-law.

D9.4

In the event that residential development occurs at a rate significantly higher than that projected by this Plan, the Future Development lands north and east of the lands presently designated Residential shall be re-designated to accommodate future growth.

SECTION "E" - MUNICIPAL SERVICES

E1 GOAL

Adequate and efficient systems of water supply, sanitary sewers, storm drainage, emergency services and waste disposal will be provided to all areas of development in the Municipality of Kincardine.

E2 OBJECTIVES

E2.1 Municipal sewage services and municipal water services are the preferred form of servicing for all settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted wherever feasible.

E2.2 New development or redevelopment within the Kincardine, Tiverton and Inverhuron Settlement areas identified on Schedule A, B and C shall only take place on the basis of full municipal services, (i.e. municipal sanitary sewers, municipal water, storm drainage and waste disposal).

E2.3 Premature development which would require the extension of existing municipal services and create an economic burden on the Municipality of Kincardine will not be approved

E2.4 All prospective subdividers will enter into a subdivision agreement with the Municipality, which incorporates conditions for servicing the development.

E2.5 The Municipality will prepare a 'Multi-Year Sewage and Water Servicing Plan' and monitor its municipal services to ensure that future growth can be accommodated.

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E3 POLICIES

Mod #88

E3.1 A Multi-Year Sewage and Water Servicing Plan will be prepared to provide direction for: future extension or expansion of services, and the implementation of this Plan. In some instances existing uses that presently utilize private services may continue to be serviced in that manner where physical conditions would make costs to provide full municipal services prohibitive. This would apply to isolated homes separated from main sewer lines by river valleys or long distances.

~~E3.2 The sewage treatment plant servicing the Kincardine urban area is designed for a population capacity of approximately 10,000 people, and approximately 8,600 of this capacity has been allocated through either existing development or approved lots. Thus the reserve capacity is 1,400 persons. The actual volume capacity as~~

OPA # 5 2012-042
Deleted E3.2 in its entirety

~~opposed to population capacity being used at present is approximately 50 per cent of the total volume capacity available. This is sufficient to accommodate projected development within the community and hauled sewage from other sources in the Municipality.~~

E3.3 NOT USED AT THIS TIME

E3.4 The Municipality will continue to utilize sewage treatment capacity available at the Bruce ECO-Industrial Park facility in Inverhuron. There is sufficient capacity in this system to provide sewage treatment services for the communities of Tiverton and Inverhuron. Shoreline areas that are in need of full municipal services due to health risks may also have the ability to utilize available services from this facility subject to agreements between the Municipality and owner.

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E3.5 The Municipality of Kincardine Ward Two Site has a projected capacity of 35 years. This projection is based on present annual tonnages being received and the presented recycling and composting programs remaining in place. The Municipality shall continue to promote a progressive waste management within the community.

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E3.6 The Municipality may consider reduced servicing standards as new servicing standards become accepted. Any developer proposing to use such methods (e.g. natural percolation or shared services) must demonstrate to Council and the Ministry of the Environment that these alternative methods are acceptable in terms of environmental, health and quality standards.

E3.7 In order to control flooding, ponding, erosion and sedimentation, and to protect as much as possible aquatic habitat and water quality, appropriate stormwater management techniques shall be required for plans of subdivision, developments with more than five lots, developments with large impervious areas or other developments as may be determined by the Conservation Authority as to the Municipality. Stormwater management plans and lot grading plans, or similar types of plans, shall be provided by proponents to Council for approval, in consultation with the Saugeen Valley Conservation Authority.

Stormwater management techniques are constantly evolving as well as being dependent on the location. Thus new development will comply with the stormwater management standards in general acceptance at the time a development application is made, through consultation with the Conservation Authority.

Such plans may be required for other development, as determined by the municipality in consultation with the Conservation Authority, if the area has existing drainage problems or if runoff could significantly affect adjacent lands or water quality.

In accordance with the Ministry of the Environment's "Stormwater Management Planning and Design Manual" dated March 2003, both stormwater quality and quantity treatment is required for those development proposals that are subject to the stormwater management criteria outlined in this Plan in which drainage is to outlet directly to Lake Huron.

E3.8 It shall be a policy of the Municipality that all new development, redevelopment and infilling in the Kincardine, Tiverton and Inverhuron Settlement areas and redevelopment shall be provided with full municipal water supply and municipal sewage disposal services, to such standards as may be required.

E3.8.1 Notwithstanding Policy [E3.8](#), sanitary and water services for new development, infill and redevelopment within the Shoreline designation as identified on Schedule 'C' shall be provided based on the following hierarchy of services:

- a) full municipal services;
- b) combination of municipal service and communal service (i.e., municipal water + communal septic);
- c) private communal services;
- d) ~~partial services provided the policies of Sections E3.8.3 and E3.8.4 are met.~~

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Deleted E3.8.1 d)

E3.8.2 Communal services shall be owned, operated and maintained by a condominium corporation or through assumption of ownership, operation and maintenance of the service by the Municipality.

E3.8.3 A 'Hydrogeological Report' evaluating the quantity and quality of water available shall be submitted for all new development, infill or redevelopment in the Shoreline designation that is not serviced by municipal water service.

A 'Sewage Disposal Suitability Report' evaluating the potential impact of such disposal shall be prepared and submitted for all new development, infill or redevelopment in the Shoreline designation that is not serviced by municipal sewage services. The Report shall reference MOE Procedure D-5-4 'Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment'.

E3.8.4 Partial services shall only be provided for 'infill' or the 'rounding out of existing development' in the Shoreline designation.

'Infill' shall be defined as the development of lands between two existing dwellings or an intersecting roadway on the same side of the road provided that the dwellings are not more than 90 metres apart.

‘Rounding out of existing development’ shall be defined as new development or redevelopment that will have one or more dwellings constructed immediately adjacent to an existing developed area of five or more existing dwellings that are all currently partially serviced.

E3.8.5 Private water supplies and sewage disposal systems may only be permitted for existing lots and lots created by consent where connection to a municipal service is not feasible or is financially prohibitive.

A municipal service shall be considered ‘not feasible’ when the ‘end of the municipal sewer or municipal water pipe’ is more than 150 metres from the closest edge of the proposed/existing lot **or** sufficient water pressure/capacity or pumping capacity is not available at the end of the service pipe.

A municipal service shall be considered ‘financially prohibitive’ when the cost of construction and installation of the municipal sewer or municipal water service exceeds three (3) times the cost of an equivalent individual on-site system.

E3.8.6 Development Agreements that provide for an equitable distribution of the costs of future servicing will be a prerequisite of all development ore redevelopment not on full municipal services.

E3.8.7 All new lots developed or redeveloped on private services must be designed for future connection to municipal water and sewage systems.

E3.9 The Municipality shall initiate a program to extend its water/sewage works to areas within the Municipality which are on private services, except where physical conditions would make costs prohibitive.

E3.10 Adequate reserve capacity in the Municipality's water/sewage works must be demonstrated to be available to accommodate proposed development. Limitations in the capacity or operating performance of the water/sewage works shall be recognized as a constraint to the timing of new development.

E3.11 The Municipality shall pass by-laws and enter into agreements, including financial arrangements, with property owners for the installation of municipal services.

Mod #89
Deleted a)
and b”

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SECTION "F" - TRANSPORTATION

F1 GOAL

A comprehensive, well-planned efficient transportation network will be developed which provides for the safe movement of people and goods and services to reduce travel time and provide a reasonable number of alternative routes and methods.

F2 OBJECTIVES

F2.1 The Municipality shall plan for and protect corridors and rights-of-way for vehicular transportation, transit and infrastructure facilities to meet current and projected needs.

Land use decisions and all development proposals shall have regard to the implications for the transportation network.

F2.2 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

Channelization of through traffic to the appropriate major traffic routes will be required.

F2.3 Transportation links to nearby industries and other centres within the County and Province will be improved and encouraged in conjunction with appropriate agencies.

F2.4 A pedestrian movement system, including sidewalks, walkways and trails shall be encouraged.

F2.5 Major traffic hazards, such as poorly designed intersections, confusing road signs and narrow roadways, will be eliminated as transportation improvements are undertaken.

F2.6 The airport shall be protected from land uses that may impact its growth and development.

F3 CLASSIFICATION

Mod #91

Transportation will be by road, railway and water. Road transport is the mode of transportation of greatest importance to the Municipality at present. Roads are divided into four (4) major categories, including Provincial Highways, Arterial, Collector and Local.

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F3.1 PROVINCIAL HIGHWAYS

Provincial Highways are under the jurisdiction of the Ministry of Transportation. The role, function, and control of provincial highways is sole responsibility of the Ministry of Transportation.

Highway # 21 is classified as a controlled access highway by the Ministry of Transportation, and as such no new private entrances to the highway will be permitted.

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New public road entrances onto Provincial Highways will only be permitted at locations acceptable to the Ministry of Transportation.

Mod #92

Any lands slated for new development will be encouraged to gain their access from local roads and may be required to undertake a Traffic Impact Study.

F3.2 ARTERIAL

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Arterial roads are designed to handle movement of traffic on as many as four (4) traffic lanes within or through the Municipality and provide limited access to abutting properties. All County Roads are considered arterial roads. Where possible, arterial roads shall have a minimum right-of-way width of 30 metres (100 feet). Sidewalks shall be provided on both sides of Arterial roads.

Mod #93

F3.3 COLLECTOR

Collector roads are designed to collect and carry local traffic to the arterial roads or distribute traffic to the local roads on two (2) or four (4) traffic lanes and provide some access to abutting properties. Collector roads shall have a minimum right-of-way width of 20 metres (66 feet). Collector roads are shown on Schedule A and B and C. The precise location of these roads will be determined in the subdivision process. Sidewalks shall be provided on both sides of collector roads.

F3.4 LOCAL

Local roads are designed primarily to provide access to abutting properties and to discourage the movement of through traffic. Except in areas of special development requiring reduced development standards, local roads shall have a

minimum right- of-way width of 20 metres (66 feet). Sidewalks shall be provided on one side of local roads.

F3.5 LAND ACQUISITION

As a condition of development or redevelopment, including land division, condominium approval or site plan control, the approval authority may require lands to be dedicated free of charge to the appropriate road authority in order to achieve the planned right of way width.

F4 POLICIES

F4.1 GENERAL

F4.1.1 Airport improvements will be continued by the Municipality, in co-operation with the Municipality of Kincardine. Development that would impede the expansion of the airport shall not be permitted. In order to permit the expansion of the airport no residential development will be permitted within the 28 NEF contour associated with the airport.

F4.1.2 Development of a high order transportation node north of Kincardine, where air, water, rail and highway transportation uses would converge will be encouraged.

F4.1.3 The development and improvement of water transportation facilities will be encouraged.

F4.1.4 The Municipality, in co-operation with other agencies, shall seek to improve pedestrian access to the lakeshore.

F4.2 ROADS

F4.2.1 Direct access to roads will be restricted where it would be adversely affecting the design capacity and function of the road. Vacant residential lots created in a plan of subdivision or by Consent will be prohibited to front on any arterial road or Provincial Highway. Shared access between adjoining properties is encouraged. In addition, any new entrances within 300 metres of an intersection will be prohibited.

Mod #95

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F4.2.2 The Municipality will co-ordinate with other agencies, including the County of Bruce and the Ministry of Transportation responsibilities for maintenance and improvement of roads within the Municipality.

F4.2.3 The Public Works Committee of Council, in conjunction with the Municipality Police Department and Emergency Services Coordinator, shall identify major

traffic hazards. These shall be progressively eliminated as funds become available on a priority basis.

F4.2.4 Council shall investigate the placing of signs on the Highway Number 21, to direct motorists to the downtown area and other points of interest.

F4.2.5 Highways 21 and 9 are under the jurisdiction of the Ministry of Transportation. All development adjacent to this facility will require building/land use, entrance and sign permits to be obtained prior to construction being undertaken, and outdoor storage for commercial and industrial uses shall be screened.

Mod #96

F4.2.6 Roads shall be located and designed to maximize safety and minimize maintenance especially as it relates to snow and wind effects.

F4.3 PEDESTRIAN

F4.3.1 Pedestrian walkways will be developed to connect major Commercial, Residential and Open Space areas in a continuous system.

F4.3.2 Pedestrian access from the downtown to the harbour area will be improved, to stimulate the function of the harbour as focal point for the downtown.

F4.3.3 In all new road construction, particularly bridges, consideration shall be made of the need for a separate pedestrian walkway.

F4.3.4 The development of pedestrian walkways along the lakeshore and the Penetangore River Valleys shall be encouraged.

SECTION "G" - LAND DIVISION POLICIES

G1 PURPOSE

It is the intent and purpose of this Plan that by its adoption, the Municipal Council adopts the following Land Division Policy. It is intended that these policies will be adhered to by Council and any other agencies influencing the creation of new lots within the Municipality.

G2 POLICIES

G2.1 Development shall be in accordance with the designated uses as shown on the Land Use Plan (Schedules A, B and C) and the applicable policies of this Plan, and the provisions of the Zoning By-Law.

G2.2 The division of land will take place in the following ways:

- a) By registered plan of subdivision; or
- b) By consent of the Land Division Committee for the conveyance of land into smaller parcels.

G2.3 It is intended that most new lots will be created by the registered plan of subdivision process, particularly in the development of new areas, and in accordance with the following criteria:

- a) Plans of subdivision or condominium will be required for the creation of new lots, where a parcel of land under single ownership has a potential for more than five (5) lots and/or, where additional public road(s) will be created. Creation of new lots by consent shall only be considered where a plan of subdivision is deemed not to be required by the Municipality.
- b) The residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments that will be serviced by full municipal services or communal services to have a density target of no less than 15 'dwelling units' per 'gross developable hectare', (6.1 dwelling units per gross developable acre). Approval may be granted for developments that do not meet this density when justified and appropriate. An applicant/developer requesting a reduced density must provide a planning justification at the time of application.

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For the purposes of this Plan, 'Gross Developable hectare' shall mean the total area of the proposed development minus the area of any lands

designated or zoned Natural Environment, Environmental Protection or similar constraint in this Plan or the Comprehensive Zoning By-law. When considering proposals with more than one land use, the uses may be separated for determining applicable density.

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- c) The residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments that can accommodate 10 or more 'dwelling units' that will be serviced by municipal sewer and water or communal services to have a minimum of 30% of the proposed 'dwelling units' to be achieved through the use of 'medium density' (or higher density where appropriate) 'dwelling units'.

Approval may be granted for developments with a reduced percentage of 'medium density' when appropriate and justified. An applicant/proponent/developer requesting a reduced percentage must provide a planning justification at the time of application

Mod #97

- d) Council shall recommend the approval of a plan of subdivision only if it is satisfied that the subdivision can be provided with adequate utilities and standards as required by this Plan; and that the plan of subdivision is not premature and will not adversely affect the financial position of the Municipality, and is in the public interest. Such Statement/Study shall review and assess the impact/appropriateness of the proposed land use(s) on the Natural Environment and/or Development Constraint in accordance with the policies of [Section C2.3.2](#) Environment and [D7.6](#) Environmental Impact Study.
- e) Proposals for approval of a plan of subdivision shall be prepared to a standard acceptable to Council, and the subdivider shall enter into such agreements with the Municipality as are required by this Plan.
- f) In any case where the land involved in an application for a plan of subdivision or condominium is within, partly within or within 120 metres of areas designated Natural Environment and/or Development Constraint, such application shall be accompanied by an Environmental Impact Statement/Study, prepared to the satisfaction of the Saugeen Valley Conservation Authority.

G2.4 If a registered Plan of Subdivision is not deemed necessary, consents may be granted subject to the following criteria:

- a) Consents for new lots will only be permitted where a parcel of land under a single ownership has a potential of not more than five (5) lots and there is no possibility of further land division of the lands.

- b) Consents will be granted in areas where the undue extension of any major Municipal service will not be required.
- c) Consents shall be primarily used to infill existing developed areas. Infilling means the development of lands between two existing dwellings or an intersecting roadway on the same side of the road provided that the dwellings are not more than 100 metres apart
- d) The size of any parcel of land created by consent shall be appropriate for the use proposed and in no case will any parcel be created or remain which does not conform to the provisions of the Zoning By-Law.
- e) Both the severed and retained parcels shall have adequate frontage and access onto a public road which is of a reasonable standard of construction.
- f) Consents will not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines or curves or grades or proximity to an intersection.
- g) Ribbon development along arterial roads shall be prevented and direct access to arterial roads shall be restricted.
- h) The topography, soils and drainage of the site are satisfactory for the lot size and uses proposed. This criteria should apply to the review of subdivisions as well as consents.
- i) In any case where the land involved in the application is within, partly within or within 120 metres of areas designated Natural Environment and/or Development Constraint, such application shall be accompanied by an Environmental Impact Statement/Study, prepared to the satisfaction of the Sauguen Valley Conservation Authority. Such Statement/Study shall review and assess the impact/appropriateness of the proposed land use(s) on the Natural Environment and/or Development Constraint in accordance with the policies of [Section C2.3.2](#) Environment and [D7.6](#) Environmental Impact Study. This criteria should apply to the review of subdivisions as well as consents.
- j) Consents to be granted shall be conditional upon an agreement being entered into with the Municipality, if required by the Council. This criteria should apply to the review of subdivisions as well as consents.
- k) In cases where the land involved is within the area identified in [subsection C1.3.5](#). Council shall, in consultation with the Ministry of Natural Resources, ensure that the applicant has reviewed all available information and identified any known abandoned oil, gas or brine wells, and that any necessary corrective measures to eliminate any hazard will be taken. In

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addition, Council will advise applicants that should old brining wells or flow of water, especially salt water, be encountered during the course of construction, the Petroleum Resources Section, Southwest Region, Ministry of Natural Resources, should be contacted. This criteria should apply to the review of subdivisions as well as consents.

- l) As a condition of approval Council may require the dedication of parkland or cash-in-lieu of parkland in accordance with [Section D6.4](#) and road widenings in accordance with [Section F3.5](#). This criteria should apply to the review of subdivisions as well as consents.

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SECTION "H" - IMPLEMENTATION

H1 ZONING BY-LAW

Following the adoption of this Plan, the existing Zoning By-Law shall be reviewed and, if necessary, a new By-Law shall be prepared and passed by Council to establish:

- a) Suitable land use zones to permit the types of development intended by this Plan;
- b) Site development standards appropriate to each type of development;
- c) Other development regulations, as required to meet the intent of this Plan.

The Zoning By-Law is not intended to zone each area initially for the ultimate use as designated by this Plan. Generally, lands will be zoned to reflect existing uses and when conditions are deemed suitable for development in accordance with the policies and land use designations of this Plan, they will be rezoned in an appropriate category to permit the uses set forth in this Plan. Where existing land uses are in conflict with this Plan, they may be zoned in accordance with the land use designation in this Plan and rendered legal non-conforming.

The Council and any planning related bodies having jurisdiction in the Municipality, shall ensure conformity to the intent of this Plan in considering applications to amend the Zoning By-Law.

H2 MINOR VARIANCES

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Where an existing lot and/or an existing building or structure does not meet the standards of the Zoning By-Law, the erection or expansion of a structure will be permitted only upon application to, and with the approval of the Committee of Adjustment, for a minor variance. In considering an application, the Committee will have regard for the following matters in addition to those matters outlined Section 45 of the Planning Act.

- a) It is not possible for the applicant to alter his/her building plans or to acquire sufficient property to comply with the minimum requirements without creating undue hardship.
- b) The side yards are of sufficient width to ensure that provision is made for adequate light and air with respect to subject lot and adjoining lots and to ensure that there is adequate space for service lines, building maintenance, and emergency access.

- c) Adequate provision is made for vehicular access and off-street parking on the lot.
- d) Building coverage does not preclude the provision of adequate landscaped areas on the lot.
- Mod #99 e) The lot and building size and architectural character (bulk and height) of the proposed structure are in keeping with adjacent development and the general intent of the provisions of the Zoning By-law.
- Mod #99 f) The proposed structure is sited and/or designed in such a manner that a reduction in the minimum lot width and area does not adversely affect the amenity of the surrounding properties.
- g) The Municipal services available are sufficient to accommodate the proposed use.

H3 NON-CONFORMING USES

H3.1 Legal non-conforming land uses are those uses which do not conform to the Zoning By-Law or the Official Plan but which lawfully existed on the day of the passing of the By-Law; or, those uses the plans for which were approved by the Building Inspector prior to the date of passage of the Zoning By-law.

H3.2 As a general rule, non-conforming uses throughout the Municipality in the long run, should cease to exist so that the land affected may revert to a use which conforms with the intent of this Plan and the provisions of the implementing Zoning By-Law. In special instances, however, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship, providing the application conforms with the policies of this Section.

H4 STATUS ZONING

Mod #101 Status zoning may be used to recognize legally existing uses that do not conform to the Official Plan or comply with the Zoning By-law.

H5 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

Council will continue using its Property Maintenance and Occupancy Standards By-Law, which prescribes standards for the maintenance and occupancy of all property within the Municipality of Kincardine. The standards of the By-Law generally apply to health and safety aspects of all properties. It prohibits the occupancy or use of property that does not conform to the standards and causes

property below the standards to be repaired and maintained to comply with the standards or be cleared of all buildings, structures, debris or refuse and left in a graded and level condition.

The By-Law will continue to be enforced by an Enforcement Officer and a Property Standards Committee will review orders issued by the Officer.

Where necessary, a By-Law will be passed in accordance with Section 32 of The Planning Act to provide for the making of grants or loans to registered or assessed owners of land to pay for the whole or any part of the cost of required repairs, cleaning, grading and levelling of lands or rehabilitating contaminated lands on such terms and conditions as prescribed by Council.

H6 SITE PLAN CONTROL

The intent of Site Plan Control generally is to improve the efficiency of land use and servicing and to encourage a visually attractive built environment for the Municipality of Kincardine.

Mod #102

Pursuant to Section 41 of The Planning Act, as amended from time to time, the whole of the Municipality as shown on Schedules 'A', 'B' and 'C' is designated a proposed Site Plan Control area.

H6.1 While specific areas and uses where Site Plan Control will apply will be designated by By-Law, it is intended that 'Residential Low Density' uses which include single and semi-detached dwelling and group homes, will be exempt. Home based business, Bed and Breakfast Establishments and Garden Suites are not exempt from Site Plan Control. Such uses however, may be subject to Site Plan Control in areas which exhibit physical and/or environmental constraints (e.g. within the Natural Environment designation, Development Constraint Area); or, for special development proposals involving reduced development standards.

H6.2 The basic criteria to be used for reviewing development proposals are contained in the relevant policies of this Plan. Through the application of these policies the Municipality will seek to provide for development which, without limiting the foregoing, will:

- a) be functional for the proposed use;
- b) be properly designed for on-site services and facilities;
- c) be safe for vehicle and pedestrian movements;
- d) provide compatibility of conceptual design between uses; and,

- e) minimize adverse effects on adjacent properties.

H6.3

The Municipality may, as a condition of granting approval for the development or redevelopment of land or buildings, require the owner to enter into a Site Plan Agreement regarding the provision, maintenance and use of such facilities including the following matters:

- a) Widening of highways that abut on the land that is being developed or redeveloped to provide the minimum road right-of-way widths prescribed by this Plan for those roadways shown on Schedules A, B, and C. Generally road widening acquired through site plan control will be taken equally from both sides of the roads. Where this is not possible, the land to be acquired from each side will not exceed half the required width as measured from the centre line. Any additional requirements will be acquired by other means.
- b) Subject to the Public Transportation and Highways Improvement Act, facilities to provide access to and from the land such as access ramps and curbs including the number, location and size of such facilities and the direction of traffic thereon.
- c) Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
- d) Walkways and all other means of pedestrian access.
- e) Removal of snow from access ramps, driveways, parking areas and walkways.
- f) Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and any buildings or structures thereon.
- g) Conveyance to the Municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly acquired watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
- h) Floodlighting of the land or of any buildings or structures thereon.
- i) Walls, berms, fences, hedges, trees, shrubs or other suitable ground cover to provide adequate landscaping of the land or protection to adjoining lands.
- j) Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.

- k) Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the By-Law.

H7 HERITAGE CONSERVATION DISTRICTS

H7.1 Deleted in its entirety by MOD #103

H7.2 Council may investigate and adopt other measures available for the implementation of policies concerning heritage resource conservation. These shall include:

- a) Legislation pursuant to The Municipal Act, more especially tree preservation, sign regulation and improvement area designation;
- b) The designation of demolition control areas affected by the maintenance and occupancy by-law; and
- c) Subdivision agreements requiring the retention or protection of heritage resources.

H8 PUBLIC WORKS

Future public works shall be undertaken in accordance with the policies established by this Plan and no public works will be undertaken which would be in conflict with the policies of this Plan.

H9 COMMUNITY IMPROVEMENTS

Future community improvement will be undertaken in accordance with the policies established in this Plan in a manner consistent with Section C7.

H10 AMENDMENT AND REVIEW OF THE PLAN

It is not intended that the policies and land use designations remain unchanged, although one of the stated purposes of this Plan is to provide a continuing and consistent guide for the future of the Municipality.

H10.1 AMENDMENT AND REVIEW

This Plan shall be subject to continuous review in light of changing economic, social and technological circumstances. A comprehensive review of the Plan will be undertaken every five (5) years, or more often, if circumstances warrant, to ensure its continuing relevance.

Amendment to this Plan will be required when:

- a) A major change in the boundaries between land use districts occurs.
- b) A proposed land use is not specifically permitted within a particular land use designation.
- c) A revision is considered to any definition or policy statement within the text.

H11 SIGN CONTROL

It is intended that the Municipality will use legislation pursuant to the Municipal Act governing signs to ensure that such uses are appropriately regulated and controlled within the Municipality.

H12 HOLDING PROVISIONS

It is the intent of this Plan that the Municipality of Kincardine will make use of the provision stated in Section 36 of The Planning Act, R.S.O. 1990, whereby the Council may by by-law utilize a Holding Symbol "H" or "h" in conjunction with a land use designation. The Municipality may designate in the Zoning By-Law the ultimate use of specific lands, however it may hold back the actual development to a future date, when certain conditions regarding the specific development are met.

Incorporating a program utilizing Holding Zones provides the landowners with a degree of certainty on what land uses will be permitted and allows the municipality the opportunity to clearly state its intentions to have the lands developed for such uses at an appropriate time in the future.

H12.1 Utilizing the Holding Zone allows the Municipality the opportunity to zone certain lands for permitted uses but delay their development until such time as conditions/standards appropriate for their development can be satisfied. When the conditions / standards have been achieved, the "H" shall be removed from the zoning placed on the lands.

Mod #104

H12.2 The "H" may be used to control or govern the phasing of development of land until it is required or to prevent development pending the provision of water, sewer, road or other similar municipal services or conditions as may be appropriate.

H12.3 RESIDENTIAL

Within the Municipality of Kincardine, lands designated for residential developed, but not as yet fully developed for such purposes, may be zoned in a Holding Zone pursuant to Section 36 of the Planning Act, R.S.O. 1990. Such a zone would only permit uses legally existing at the date of such zoning until such time as the "H" is removed.

H12.3.1 Objectives

- a) To maintain an appropriate standard of development;
- b) To ensure an appropriate level of municipal services;
- c) To stage development through comprehensive plans thereby reducing scattered and uncoordinated development;
- d) To ensure that the residential areas of the Municipality are utilized in an efficient and effective manner; and,
- e) To streamline the local residential development approval process.

H12.3.2 Deleted by Modification # 105

H12.4 COMMERCIAL

Within the Municipality of Kincardine, lands which are designated for commercial purposes, but not as yet developed for such purposes, may be zoned in a Holding Zone pursuant to Section 36 of The Planning Act, R.S.O. 1990. Such a zone would only permit uses legally existing at the date of such zoning until such time as the Holding provision is removed.

H12.4.1 Objectives

- a) To maintain the character of the existing commercial areas;
- b) To maintain a traditional pattern of development throughout the commercial areas;
- c) To promote an appropriate standard of exterior design; and,
- d) To promote those activities which are supportive or neutral to the maintenance and development of the commercial areas.

H12.4.2 Deleted by Modification #106

H12.5 INDUSTRIAL

Within the Municipality, lands which are designated for industrial purposes, but as yet not developed for such purposes, may be designated in a Holding Zone the provisions of Section 36 of The Planning Act, R.S.O. 1990. Such a zone would only permit uses legally existing at the date of such zoning until such time as the Holding provision is removed.

H12.5.1 Objectives

- a) To utilize municipal services in the industrial areas where available and practical and to encourage development in such areas;
- b) To stage development through comprehensive plans thereby reducing scattered and uncoordinated development; and,
- c) To ensure that the industrial areas are utilized in an efficient and effective manner.

H12.5.2 Deleted by Modification # 108

H12.6 DEVELOPMENT CONSTRAINT AREA

Within the Municipality, lands which are identified as being within the Development Constraint Area, but not as yet developed, may be designated in a Holding Zone the provisions of Section 36 of The Planning Act, R.S.O. 1990. Such a zone would only permit uses legally existing at the date of such zoning until such time as the Holding provision is removed.

H12.6.1 Objectives

- a) To ensure that adequate measures are undertaken to mitigate potential slope stability problems.
- b) To protect the Penetangore River Slope Stability and Erosion Control Project.

H12.6.2 Deleted by Modification #109

H12.7 The same criteria for the removal of the Holding Provision applies to the Residential, Commercial, Industrial, and Development Constraint Area designations.

Mod #110