

Draft – September, 2017

**The Official Plan For  
The Tobermory And Lion's Head Secondary Urban Areas,  
And The Hamlet Of Ferndale**

This document is consolidated for office use only.

Please refer to original Official Plan Amendments for details.

Original Document Prepared by Municipality of Northern Bruce Peninsula Council  
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# The Official Plan For Tobermory, Lion's Head And Ferndale

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# 1 Introduction

## 1.1 General

This document is entitled The Official Plan for Tobermory and Lion's Head Secondary Urban Areas, and the Hamlet of Ferndale and may be referred to as the "Official Plan" or "Plan". This Official Plan has been prepared and adopted in accordance with "Part III, Official Plans" of the Planning Act, R.S.O. 1990.

The Official Plan of Tobermory, Lion's Head and Ferndale consists of the written text of this document plus the attached Schedules 'A' to 'E'.

## 1.2 Purpose Of The Official Plan

Prior to the adoption of the Municipality of Northern Bruce Peninsula Official Plan, separate Official Plans existed for Tobermory and Lion's Head.

Because Tobermory and Lion's Head are located within the same local municipality as a result of municipal restructuring in 1999, Council felt that consistent policies should be established for both urban centres. Council also felt that more detailed policies should be created for Ferndale.

In view of this, The Official Plan for Tobermory and Lion's Head Secondary Urban Areas, and the Hamlet of Ferndale was prepared to provide a consistent set of policies for the urban areas of Tobermory, Lion's Head and Ferndale.

The Plan provides a consistent policy framework to guide the public and private sectors in making decisions concerning future development and investment within the area.

The Official Plan applies to all lands on Schedules 'A' (Tobermory), 'B' (Lion's Head) 'C' (Ferndale), 'D (Tobermory – Height)', 'E' (Lion's Head – Height), 'F' (Tobermory – Constraints) and 'G' (Lion's Head – Constraint) attached to and forming a part of this Plan and is intended to function as a major policy document up to the year 2023 (20 year time frame).

The County of Bruce is the approval authority for this Official Plan and any amendments thereto. The Municipality of Northern Bruce Peninsula has the authority to implement the local Official Plan through the provisions of the Municipality's Comprehensive Zoning By-law.

### 1.3 Planning History And Context

Prior to the adoption of this Official Plan, the urban areas of Tobermory, Lion's Head and Ferndale were covered by three (3) different Official Plans.

The area of Tobermory fell under the jurisdiction of the Tobermory and Area Community Land Use Plan; the Village of Lion's Head Community Land Use Plan governed lands within Lion's Head; and, properties within Ferndale fell directly under the County of Bruce Official Plan.

Prior to the adoption of the Tobermory and Area Community Land Use Plan (1997) and the Village of Lion's Head Community Land Use Plan (1997), these communities were under the direct jurisdiction of the Bruce Peninsula Official Plan (1971). It was felt that the Bruce Peninsula Official Plan contained policies that were no longer relevant for Tobermory and Lion's Head and that a need existed for local Plans that could respond to the local needs and realities, and therefore local Official Plans were created.

Prior to the County of Bruce Official Plan being approved, the Hamlet of Ferndale was under the direct jurisdiction of the Bruce Peninsula Official Plan.

In 1999, the County of Bruce was restructured, resulting in Tobermory, Lion's Head and Ferndale forming part of a larger municipality known as the Municipality of Northern Bruce Peninsula.

As part of the process Ferndale was recognized as an important growth area within the Municipality and included in the Official Plan. Due to the lack of municipal water and sewer services, Ferndale was classified as a Hamlet Community in the Bruce County Official Plan and the appropriate policies were developed in the local Official Plan.

Contingent on an interim and long term servicing strategy the Plan looked towards designating Ferndale as a Secondary Urban Community. In the past 10 years, sewer services have not been extended in Tobermory or developed in Lion's Head; the likelihood of sewer services in Lion's Head and a possible extension to Ferndale within the timeframe of this Plan is very limited. As such, rather than continuing the undertaking of seeking the Secondary Urban Community designation for Ferndale, this version of the Plan recognizes Ferndale as a Hamlet Community along with the appropriate servicing policies. ~~If~~ If in the future Ferndale does receive municipal water and sewer services, the relevant servicing policies can be developed as part of an official plan amendment or a five year review

### 1.4 Location Of Northern Bruce Peninsula

The Municipality of Northern Bruce Peninsula is the most northern municipality on the Bruce Peninsula and is surrounded on three sides by the waters of Lake Huron and Georgian Bay.



The Municipality is accessed from the south by Provincial Highway No. 6 that serves as the Peninsula's link to areas south. The Municipality is situated within one and one-half hour drive of Owen Sound, the Grey-Bruce region's largest centre.

Northern Bruce Peninsula is approximately 2.5 hours north of Highway 401, the Province's main controlled-access thoroughfare and link between major centres in Canada and the United States.

Access to Northern Bruce Peninsula is also available from the north via a ferry service providing a link to Manitoulin Island and Northern Ontario from May through October.

### **1.5 Location Of Tobermory, Lion's Head And Ferndale**

Located within Northern Bruce Peninsula are several small urban centres, the largest of which are Tobermory, Lion's Head and Ferndale. Tobermory is situated at the tip of the Peninsula, at the end of Provincial Highway No. 6. Ferndale is located near the south end of the Municipality, also along Highway No 6. Lion's Head is located on the west shore of Georgian Bay just three (3) kilometres east of Ferndale.

### **1.6 Population**

In the [2010-2016](#) Census the population of the Municipality of Northern Bruce Peninsula was at [37443999](#). Statistics Canada [only no longer](#) provides a further break down of population numbers [by the former township / village for Lion's Head, which had a 2016 population of 597, having increased 16% since 2011.](#) ~~However a~~ An 'educated' guess provides that approx 50 % of the population of the Municipality live in Tobermory and Lion's Head. [A large portion of the Municipality's population is seasonal](#) ~~More than 50% of the population that lives within the villages is seasonal;~~ The Bruce County Housing Study (March 2005), [notes that the Seniors Population of the County is increasing faster than other age groups, and projects](#) that the Municipality of Northern Bruce peninsula will see limited to no population growth ~~in-between the~~ 2016 to 2021 due to the aging of the population. [While the permanent population and age groups are important for planning schools and year-round services, the Municipality has a large and variable population of residents and visitors, particularly in the summer months.](#)

### **1.7 Vision**

The people of the Municipality of Northern Bruce Peninsula are committed to a progressive and diverse community that is safe, clean, environmentally protected and creates economic sustainability through employment and educational opportunities for all.

The people recognize that the future is based to a great extent on the cultural and natural environment of the area, and as such, shall strive to protect it.

The people of the Municipality of Northern Bruce Peninsula recognize that development must be planned in an effective, fair, efficient and flexible manner.

All reasonable efforts should be made to direct growth and provide public services within Tobermory, Lion's Head and Ferndale and, at the same time, all reasonable efforts should be made to protect and enhance the cultural, social and natural environments.

## 1.8 –Major Community Goals

- .1 To create a positive economic climate to create a wide range of employment opportunities.
- .2 To protect the natural environment, in order to ensure future economic growth.
- .3 To provide that any development proceeds in a logical, progressive and economically sound manner.
- .3.4 [To prepare a Sustainable Community Plan and a Climate Change Action Plan](#)
- .4.5 To provide quality services to its residents, recognizing that services must be provided in a fiscally responsible manner, and shall always be restrained by taxation and funding.
- .5.6 To work with the private and public sector to ~~develop~~ [implement the common Spruce the Bruce Toolkit](#) themes for building construction and appearance that enhances the ~~appearance of the~~ harbour areas, the downtowns, and the commercial areas along the Provincial Highway and County Roads.
- .6.7 To improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the Municipality.
- ~~.7~~ Encourage linkages of the footpath of the Bruce Trail in an optimal location as close to the Escarpment as is feasible.
- ~~.8~~

## 2 ~~Section 2~~ Interpretation Of Plan

The County of Bruce Official Plan is the regional Plan guiding development throughout the entire County, but also acts as a local plan for most local municipalities for areas outside of designated settlement areas and the shoreline development designation. It establishes policies to guide development on matters such as agriculture, aggregate extraction, the location and hierarchy of settlement areas, shoreline development, and broad urban development policies. The County Plan permits lower-tier municipalities to establish policies for matters of local interest and which conform to the goals, objectives and policies of the County. The Official Plan for Tobermory, Lion's Head and Ferndale provides local policy direction for development within Tobermory, Lion's Head and Ferndale. The development of the remainder of the Municipality of Northern Bruce Peninsula is covered by the County of Bruce Official Plan. It is recognized that although the above noted approach is intended to reflect the overall goals and objectives of the Bruce County Official Plan, specific land use policies remain in effect at the County level for all lands within the Municipality of Northern Bruce Peninsula. In cases where the plans conflict, the more restrictive of the policies shall apply.

### 2.1 Need To Conform To The Official Plan

Despite any other general or special act, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform to this Plan.

### 2.2 How To Use The Official Plan

This Official Plan has several interrelated components that must be read together to determine those policies that have an impact on any individual parcel of land within Tobermory, Lion's Head and Ferndale.

Several sections of the Official Plan may be relevant to any given development proposal, and as such, the entire Official Plan must be reviewed when assessing the development.

When trying to determine the policies that are relevant to a specific development proposal, the following process must be followed:

- 1) Locate the subject property on Schedules 'A', 'B', 'C', 'D', 'E', 'F' and 'G' of the Land Use Plan, and determine its designation(s);
- 2) Review the Land Use Policies contained in [Section 3](#) of this Plan which corresponds to the specific Land Use Designation
- 3) Refer to the Implementation Policies in [Section 4](#) to determine the development intent, planning processes and planning studies effecting the subject property; and

- 4) Depending on the development proposed, some type of planning approval process may be required. The various planning approval processes are outlined within [Section 5](#) of this Plan.

In determining which land use designations and policies apply to a particular parcel of land within Tobermory, Lion's Head or Ferndale, the County of Bruce Planning & Economic Development Department and/or the Municipality of Northern Bruce Peninsula should be consulted.

## **2.3 Interpretation Of The Plan**

### **2.3.1 Land Use Designation Boundaries**

The boundaries between land use designations on Schedules 'A', 'B' and 'C', the Land Use Plan, are to be considered approximate, except where they coincide with roads or clearly defined geographical boundaries. The boundaries of the Plan Area are exact, however.

It is the policy of the Municipality that a Plan Amendment shall not be necessary to make minor adjustments to the land use boundaries, provided that the general intent of the Plan is maintained.

### **2.3.2 Land Areas & Densities, and Numerical Projections**

This Plan was prepared using the most current information available. However, the accuracy of the numerical figures and projections contained in this Plan may change as the planning period advances over time.

The land area and density figures and numerical projections stated throughout this Plan are intended to act as guides and are not intended to be rigid and absolute.

It is the policy of the Municipality that all figures and quantities contained within the Plan shall be considered approximate only. An amendment to the Plan shall not be necessary for any reasonable variance from the figures presented, provided the intent of the Plan is maintained.

### **2.3.3 Policy Interpretation**

Specific policies of this Plan should not be viewed in isolation, but rather should be interpreted along with all other relevant statements contained within the Plan. When attempting to determine whether a development proposal conforms to the Official Plan, the entire document must be reviewed.

It is the policy of the Municipality that conformity with this Plan shall be determined based on an overall review of the entire Plan.

## 2.4 Review Of The Official Plan

The Municipality of Northern Bruce Peninsula has changed over the years and will continue to change. As a result, this Official Plan should be seen as an evolving document, requiring regular review and upgrading–updating in order to ensure that the policies reflect the changing economic, social and financial circumstances of the Municipality.

In this regard, the Municipality shall carry out a formal public review of the Official Plan at least every 5 years, as required by the Planning Act. Accordingly, there should be formal reviews of the Official Plan in 2017, 2022, and 2027, and 2032.

The Municipality shall hold at least one public meeting to obtain the public's views on the need to update or revise the Official Plan and notify and consult with the appropriate agencies. Where changes are warranted, a consultation strategy that meets or exceeds the requirements of the *Planning Act* shall be developed and approved by Council.

As part of the five-year review process, the Municipality shall assess:

- 1) The adequacy of lands available within each of the land use designations to support anticipated development;
- 2) Demographic, social and physical changes to the municipality;
- 3) Effectiveness of the various policies of the plan;
- 4) Changes in county or provincial policies which impact upon the relevance of the plan;
- 5) The quality of the area's natural environment, including ground water, lake water quality, wetlands and areas of natural and scientific interest; and,
- 6) The adequacy of municipal servicing (i.e. Municipal water and sanitary sewers) within Tobermory, Lion's Head and Ferndale.

## 3 Section 3–Land Use Policies

### 3.1 Residential

Tobermory and Lion’s Head are designated as ‘Secondary Urban Community’, and Ferndale as a ‘Hamlet Community’ in the County of Bruce Official Plan. It is an overall objective of the County Plan to encourage and strengthen the role of secondary urban communities by offering a range of residential housing types.

From a settlement and servicing perspective, the Municipality believes that it makes sound planning practice to encourage permanent population growth in the existing settlement areas within Northern Bruce Peninsula, primarily Tobermory and Lion’s Head. Population growth in settlement areas is likewise important to support the viability of services provided in these settlement areas.

Detached residential units form the predominant housing type in the planning area and it is the intent of the plan to continue this traditional growth pattern. It is also recognized that diversified, balanced and affordable housing opportunities should be provided for the residents in these urban centres. It is therefore the intent of the Municipality to encourage diversity and affordability by permitting residential infilling, conversion of existing buildings and the construction of medium density residential units in appropriate areas of the planning area. Infilling, intensification and conversion will be dependent upon access to municipal or communal water and sewer services or the ability of the site to support private services.

It is expected that the population of Northern Bruce Peninsula will continue to slowly increase over the next 20 to 25 years. Based on the consumption of residential lots in the past, Tobermory and Lion’s Head appear to have adequate lands designated to accommodate the anticipated growth expected in these two urban areas. Therefore, this Plan designates very little new residential land but rather reflects lands that were already designated in the previous land use plans for Tobermory and Lion’s Head.

Limited residential growth is expected in Ferndale, although development of this nature could be accommodated in this urban centre.

Until such time as full municipal services are available in these urban areas, development on partial municipal services (i.e. municipal water or sanitary sewers), communal or private services will be considered. When municipal services do become available in Tobermory, Lion’s Head or Ferndale, new residential development will be expected to connect to such infrastructure. Where full municipal services are available, the Municipality shall encourage the development of such lands at higher densities.

It should be noted that the Provincial Policy Statement discourages partial services, except where necessary to address failed services, or because of physical constraints, and that

every effort should be made to explore how to upgrade those partial service systems to either communal or full municipal services.

### 3.1.1 Goals

- .1 To recognize Tobermory and Lion's Head as the two primary settlement areas in the Municipality and the most logical location to direct population growth and community services.
- .2 To continue the detached residential development pattern, and provide opportunities for other higher density residential forms on the appropriate services.
- .3 To continue to provide an affordable supply of housing to meet the current and future needs of all segments of the Municipality.

### 3.1.2 Actions

- .1 To designate limited vacant blocks of lands as 'Residential' to accommodate future residential growth.
- ~~.2~~—To identify [opportunities for infilling and redevelopment](#)
- ~~.3.2~~ ~~b)~~—~~To recognize the existing built up areas of Tobermory and Lion's Head and provide opportunities for infilling and redevelopment.~~
- ~~.4.3~~ To permit through the Official Plan and Zoning By-law a wide range of housing types and densities.
- ~~.5.4~~ Encourage through the policies of this Plan new residential development to be consistent and compatible with the historic charm of Tobermory and Lion's Head.
- ~~.6.5~~ To allow small scale economic development enterprises by permitting home businesses and bed and breakfast operations in the residential designation and select zones.
- ~~.7.6~~ To require new residential developments to provide pedestrian and bicycle links between the residential areas, the downtowns and the harbour areas.
- ~~.7~~ To require that duplex/semi-detached housing meaning a building or structure with no more than two (2) 'dwelling units' be included in the same zone or zoning category as a single detached dwelling unit and that similar zoning provisions shall apply to both types of dwelling units.
- .8 [To encourage long-term energy savings as a design consideration in the laying out of new plans of subdivision.](#)

.9 Water and Sewage services shall be in accordance with [Section 4.2](#) Municipal Services.



### 3.1.3 Policies

Lands designated 'Residential' shall be predominately used for low and medium density residential uses. Other uses compatible with residential neighbourhoods may also be permitted such as parks, public uses, places of worship, public and private schools, bed and breakfasts, home businesses, group homes, garden suites, secondary suites, day nurseries, [home based child-care](#), private guest cabins and other such similar uses subject to policies contained in this Plan.

### 3.1.4 Low Density Residential

- .1 The Municipality considers single detached, semi-detached, duplex dwellings, and converted dwellings with no more than two units to be low-density residential development.
- ~~.2 "Gross density" shall be defined as the density of the residential development in an area, including all local roads and parks and hazard lands.~~
- ~~.2.3~~ Single detached development shall have a maximum gross density of 17 units per hectare (7 units per gross acre) when serviced with municipal sewer and water. When development is proposed on communal services, partially serviced or private services, a lower density, as determined by site-specific conditions, may be required.
- ~~.3.4~~ Semi-detached/duplex developments shall have a maximum gross density of 26 units per hectare (10 units per gross acre) where serviced with municipal sewer and water. When development is proposed on communal services, partially serviced or private services, a lower density, as determined by site-specific conditions, may be required.
- ~~.4.1 "Gross density" shall be defined as the density of the residential development in an area, including all local roads and parks and hazard lands.~~
- .5 Specific lots sizes and densities are ~~dependant~~[dependent](#) on the ability of the property in question to support the mode of servicing proposed. Individual site conditions may warrant larger lot sizes or smaller densities.
- .6 [Where](#) municipal sewer [and](#)/or water services are available, it shall be the policy of this Plan that all development be connected to these services.
- .7 Low-density residential development may be subject to Site Plan Control [under Section 41 of the Planning Act](#).

### 3.1.5 Medium Density Residential Policies

- .1 The Municipality considers triplexes, four-plexes, townhouses, rowhouses, 3 storey apartments, converted dwellings of three or more units, and similar multi-unit forms of housing as medium density residential development.
- .2 All new medium density residential development shall be serviced with municipal or communal / partial sewer and water services.
- .3 Medium density residential development shall have a maximum gross density of 35 units per gross hectare (14 units per gross acre).
- .4 All medium density residential development proposals shall satisfactorily address the following design criteria:
  - i) compatibility with existing land uses in the immediate area;
  - ii) designed with a maximum of three (3) stories and a building profile which conforms visually with the surrounding residential structures;
  - iii) availability of adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles;
  - iv) necessary buffering from abutting uses;
  - v) suitable landscaping, lot grading, drainage and on-site amenities; and
  - vi) long-term energy saving design
- .5 Medium density residential development shall be placed in separate zones in the Comprehensive Zoning By-law.
- .6 Medium density residential development shall be subject to Site Plan Control under Section 41 of the Planning Act.

### **3.1.6 Residential Conversion Policy**

- .1 The conversion of existing single detached residential dwellings into multiple unit dwellings is a means of providing affordable rental housing. Residential conversion is permitted in the Residential designation subject to the requirements of the Comprehensive Zoning By-law.
- .2 All residential conversion proposals shall satisfactorily address the following development criteria:
  - i) the dwelling is structurally sound and of sufficient size to permit the creation of one or more dwelling units;
  - ii) the lot is of sufficient size to permit the required off-street parking;
  - iii) adequate amenity areas can be provided on the lot;

- iv) required fire escapes are located at the side or rear of the building;
- v) adequate access and circulation for vehicular traffic, including emergency vehicles is provided;
- vi) suitable landscaping, lot grading, drainage and on-site amenities are planned; and,
- vii) the dwelling is or can be provided with suitable septic and/or sewer and water services.

.3 ~~Converted units~~[Conversions to permit more than 2 dwelling units](#) shall be placed within a separate zone in the Comprehensive Zoning By-law and may be subject to Site Plan Control [under Section 41 of the Planning Act](#).

### 3.1.7 Bed and Breakfast Policy

- .1 Bed and Breakfast operations may be permitted in single detached dwelling subject to the requirements of the Comprehensive Zoning By-law.
- .2 The Comprehensive Zoning By-law shall provide Bed and Breakfast regulations that ensure:
  - i) that the establishment of such uses shall not change the residential character of the area;
  - ii) all bed and breakfast regulations of the zoning by-law are met, including the provisions of adequate off-street parking, minimum floor area for guest rooms and maximum number of guest rooms;
  - iii) such uses shall only be permitted in buildings which constitute the principal residence of the operator during that time which the bed and breakfast is being operated;
  - iv) the maximum number of guest rooms for overnight accommodations shall not exceed three; and,
  - v) that any other regulation, including business licensing, deemed necessary by the Municipality is complied with.
- .3 Bed and Breakfast operations may be subject to Site Plan Control [under Section 41 of the Planning Act](#).

### 3.1.8 Home Business Policy

- .1 Home businesses are an important means of realizing small business start-ups and stay-at-home self-employment. ~~Small-scale home businesses, that are compatible with surrounding residential uses, may be permitted within the Residential~~  
~~DRAFT~~ Official Plan for Tobermory, Lion's Head & Ferndale ~~(5 Year Review Oct 20127)~~

designation. The Comprehensive Zoning By-law shall permit home businesses within certain residential zones, and include regulations ensuring that they are compatible with residential areas.

- .2 The Comprehensive Zoning By-law shall provide home business regulations which:
- i) include a detailed list of permitted home business uses that are compatible with the surrounding residential uses and do not generate large amounts of dust, noise and vibration;
  - ii) restrict the number of people which may be employed in the home business;
  - iii) provide a maximum percentage or amount of the floor area of the residence and/or accessory buildings which may be used for the home occupation;
  - iv) permit certain types of home businesses to be carried out within residential accessory buildings;
  - v) ensure the maintenance of the external appearance of the residence and control exterior signs;
  - vi) provide appropriate parking standards for such uses;
  - ~~vii)~~ limit traffic impact; and,
  - ~~viii)~~vii) maintains the external appearance of the residence and accessory structures as a residential use.
- .3 Home Businesses may be subject to Site Plan Control and shall require licensing by the Municipality.

### 3.1.9 Day Nurseries~~Child Care~~

- .1 The term "Child Care" ~~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 challenged children under the age of 18 years for a continuous period not exceeding 24 hours.
- .2 Child Care premises may be defined within the Comprehensive Zoning By-Law to reflect different types of premises that are outlined in provincial legislation, and may be permitted within residential, commercial, and institutional designations subject to the requirements of the Comprehensive Zoning By-law. Home-based Child care may be permitted in any zone where a dwelling is a permitted use. Child care premises and/or providers shall be licensed by a government regulatory body where applicable.

.3 Child care premises which are not located within a dwelling may be subject to Site Plan Control. Matters to be addressed through site plan control include:

- i) That the establishment of the facility does not change the residential character of the neighbourhood;
- ii) A safe area for the drop-off and pick-up of the children; and,
- iii) All requirements of the Comprehensive Zoning By-law, including yard setbacks, signage and parking, that may be established are met.
- iv) H health, fire safety and building code standards.

### **3.1.10 Group Home Policies**

.4—The term Group Home is used to describe a wide range of residential care facilities and is defined in the Municipal Act as:

.2.1 “group home” “means a residence licensed or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.”

.3.2 Group Homes may be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

.4.3 The Comprehensive Zoning By-law shall permit Group Homes in all residential zones provided the following criteria are satisfied:

- i)—the housing is within a single detached dwelling;
- ii) i) ii)—that no physical alterations be made to change the function of the structure as a single detached residential dwelling unit.
- iii) ii) that the facility is licensed, regulated, financed and/or approved by a government regulatory body;
- iv) iii) that necessary supportive services are readily available for the residents;
- v)—that the building, in form and exterior amenities, is in keeping with the surrounding residential neighbourhood;
- vi) vi) that no other group home is located within close proximity to the proposed site; and,
- vii) iv) vii)—that the building meets all health, fire safety and building code standards.

### 3.1.11 Garden Suites

- .1 The term Garden Suite, as recognized in Section 39(1.1) of the Planning Act, is used to describe a temporary portable residential unit accessory to a primary residence and which offers an alternative living arrangement designed to meet the housing needs of elderly parents, handicapped family members or other similar individuals. The intent is that the garden suite offers some of the advantages of independent living, but is in immediate proximity to family members.
- .2 Garden Suites may be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.
- .3 Garden Suites shall only be permitted on lots that meet the minimum lot area and frontage requirements of the appropriate zone.
- .4 Where a Secondary Suite or Private Guest Cabin is located on a lot, a Garden Suite is not permitted on that lot.
- .5 The establishment of a garden suite shall require an amendment to the Comprehensive Zoning By-law.
- .3.6 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) prohibit 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;
  - iv) prohibit the use of a mobile home as a garden suite.
- .4.7 The Municipality may enter into an agreement with the property owner, occupant and/or Canada Mortgage and Housing, or similar government agencies to cover issues such as:
  - i) conditions under which the garden suite will be removed from the property;
  - ii) the garden suite shall not be used as a rental dwelling unit for profit or gain;
  - iii) the garden suite meets all health, fire 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.

- ~~.1 c) The establishment of a garden suite shall require an amendment to the Comprehensive Zoning By-law.~~
- ~~.2d) Garden suites are subject to Site Plan Control.~~
- ~~.3 e) Where a Garden Suite is located on a lot, a Secondary Suite is not permitted on that lot.~~
- ~~.4 f) Garden Suites shall only be permitted on lots that meet the minimum lot area and frontage requirements of the appropriate zone.~~

### 3.1.12 Secondary Suites

- .1 Secondary Suites may be permitted within the Residential designation subject to the following policies:
- .2 The term Secondary Suite means a separate residential unit subsidiary to ~~\_, and located in the same building as, its the~~ principal dwelling unit; and its creation does not result in a semi-detached, duplex, triplex, converted house or converted dwelling house, dwelling unit, accessory or accessory dwelling unit, as otherwise may be defined. A Secondary Suite may house elderly parents or other family members, or may be rented as a residential unit, and may be located within the same building as the principal dwelling unit or in an accessory building.
- .3 Secondary Suites may be permitted within the Residential designation and where the zoning by-law permits a detached, duplex or semi-detached dwelling ~~subject to a site specific zoning bylaw amendment.~~
- .4 The Comprehensive Zoning By-law may provide Secondary Suite regulations which:
  - i) Govern compatibility with the main dwelling and surrounding land uses;
  - ii) Restrict any business or commercial enterprise from taking place within the Secondary Suite;
  - iii) Set out restrictions involving the unit size, alteration to the outside of the principal dwelling, parking requirements, and water and sewer/septic servicing requirements;
- .5 One Secondary Suite is permitted in any detached dwelling, semi-detached dwelling unit, or duplex building in any zone that permits these dwelling types provided:
  - i) ~~It~~ It does not change the streetscape character along the road on which it is located;
  - ii) It not be a stand-alone, principal unit, capable of being severed;

- iii) It only exists along with, and within the same building as, its principal dwelling unit.
  - iv) The lot meets the minimum lot area and frontage requirements of the appropriate zone
  - v) The principal and Secondary Suites must share the parking area and yards provided for the principal dwelling unit, and no new driveway may be created.
- .6 ~~f) Secondary Suites shall only be permitted on lots that meet the minimum lot area and frontage requirements of the appropriate zone~~ Where a Garden Suite Secondary Suite or Private Guest Cabin is located on a lot, a Secondary Suite Garden Suite is not permitted on that lot.
- .7 Secondary Suites ~~are~~ may be subject to Site Plan Control.

### 3.1.13 Private Guest Cabins

- .1 Private guest cabins may be permitted within a residential zone subject to a site specific zoning amendment. The Zoning By-law shall provide regulations that ensure:
- .2 Private guest cabins are accessory to a primary residential use already established on the property, and maintained for non-paying guests only.
- .3 The guest cabin shall not include any kitchen or sanitary facilities.
- .4 The guest cabin meets all setback requirements of the primary residence on the property, and shall not exceed the permitted coverage for the zone.
- .5 Private Guest Cabins shall be permitted only on lots that meet the minimum lot area and frontage requirements of the appropriate zone.
- .6 The lands are provided with or can be provided with adequate sewage treatment facilities.
- .7 Where a Secondary Suite or Garden Suite is located on a lot, a Private Guest Cabin is not permitted on that lot.

### 3.1.14 Range of Housing Types

- .1 An affordable detached dwelling in the County of Bruce is defined as having a sale price of \$210,000.00 and under.
- .2 It is the policy of the Municipality to encourage the continued supply of affordable housing units for present and future residents in the plan area through the following measures:



- i) The Municipality shall ensure that the standards of the Comprehensive Zoning By-law do not preclude the development of affordable housing opportunities.
- ii) The Municipality shall support a range of housing types consistent with the needs of residents, with this range being reflected in zoning standards and subdivision design standards.
- iii) In order to ensure affordable housing is provided within the Municipality, 30% of new residential development and residential intensification shall be affordable to meet the housing needs of family incomes up to the 60th percentile.
- iv) The Municipality shall encourage the creation of new rental housing units intended to be affordable to the 30% of the County's population earning \$30,000 per year or less.
- v) The Municipality shall have 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.

### **3.1.15 Residential – Exceptions**

#### **3.1.15.1 OPA 1 – Bylaw No. 2001-62**

(Hayes, Plan D7 Units 1, 51 to 53, RP 3R8242 Pt Lots 1 & 2, Lion's Head)

Notwithstanding the 'Residential' policies of this Plan, on those lands identified as Site Specific Policy Area 3.1.15.1 on Schedule 'B', a medium density residential development with private sewer services and connection to the municipal water service system may be permitted. The development is subject to policies 3.1.3.2 (a), (b), (c) and (d) of this Plan. In addition, the development will be subject to:

- 1) A storm water management plan prepared to the satisfaction of the Municipality.
- 2) The parkland dedication provisions of [Section 3.5.5](#) and [3.5.6](#) of this Plan.
- 3) A zoning category with a holding symbol attached.
- 4) Connection to municipal sewer services when such services become available.

#### **3.1.15.1.1 — OPA 4 – Bylaw No. 2007-43**

(Hayes, Plan D7 Units 1, 51 to 53, RP 3R8242 Pt Lots 1 & 2, Lion's Head)

Notwithstanding the 'Residential' policies of this Plan, on those lands identified as Site Specific Policy Area 3.1.15.2 on Schedule 'B', two mini-storage units accessory to the medium density residential development will be permitted.

### **3.1.15.1.2 OPA Bylaw No. 2013-36**

(Duronio, 11 Moore St; D7 Units 83-86 Section D & PCL 83-1 Lion's Head)

Notwithstanding the 'Residential' policies of this Plan, on those lands identified as Subject to Section 3.1.15.3 Residential – Exceptions an accessory detached dwelling in a structure existing as of January 1, 2013 shall be a permitted use. Future severance of this accessory dwelling shall be subject to the policies of this Plan but shall not require amendment to this section.

### **3.1.15.2 OPA #6, Bylaw No. 2014-56**

(Hill, 85-89 Main St; D3 Units 9-11 Lion's Head)

Notwithstanding the Residential policies of this Plan, on those lands identified, as a Site Specific Policy Area subject to Section 3.1.15.4, in addition to the permitted uses of the designation, a "Tourist Home" in a single detached dwelling shall also be a permitted use.

For the purposes of this section, a "Tourist Home" means a detached dwelling containing four (4) or more guest rooms and not more than ten (10) guest rooms which are available for sleeping accommodation for the vacationing or travelling public in which the owner or manager supplies, for hire or gain, lodging with or without meals.

### 3.2 ~~3.2~~ Commercial And Light Industrial

The economy of Northern Bruce Peninsula is focused to a large extent upon providing services to year-round and seasonal residents and tourists. Tobermory, Lion's Head and Ferndale are the focal points for this type of commercial activity within the Municipality.

The Municipality recognizes that the social and economic ~~well-being~~well-being of Northern Bruce Peninsula is dependent upon a diverse and balanced commercial base. It is the Municipality's intention to build on this strength as well as provide opportunities for a more diverse economic base.

There are limits to further business expansion within the downtown cores of Tobermory and Lion's Head, and therefore it is the Municipality's intention to provide opportunities for commercial activities outside of the core areas. Additionally, in order to diversify the economy, it is the Municipality's intention to provide opportunities for light and clean industrial uses not specifically related to the tourism market within certain sections of the Planning Area.

Within this Plan, commercial and industrial activities have been grouped into ~~five-five~~ (55) general categories:

- Small scale home occupation and home businesses (see Residential and Rural polices)
- ~~-Downtown / Harbour~~
- ~~Highway~~ Commercial and Light Industrial Commercial
- 
- ~~Recreational Commercial~~
- 
- ~~Campground and Travel Trailer Parks-Space Extensive Commercial / Light Industrial.~~
- 

#### 3.2.1 Goals

- .1 Promote Tobermory, Lion's Head and Ferndale as the central commercial service areas in the Municipality.
- .2 Maintain and enhance the downtowns of Tobermory and Lion's Head as the economic focus of the Municipality, while ensuring that the historic village nature of these two downtowns is protected from inappropriate land uses.
- .3 Develop a more diverse commercial and industrial base outside of the two downtowns.

### 3.2.2 Actions

- .1 Promote vibrant, compact, viable and mixed-use downtown commercial cores in Tobermory and Lion's Head.
- .2 Work with the public and private sectors in the downtowns and harbour areas to improve these areas as tourist destinations that are pedestrian oriented.
- .3 Continue efforts to provide improved parking in the downtown core areas of Tobermory and Lion's Head. Such endeavors may require the expenditure of public funds for parking improvements.
- .4 Provide through the Comprehensive Zoning By-law opportunities for accessory residential uses in conjunction with commercial uses in the commercial areas.
- .5 Provide a range of commercial development opportunities by providing lands for development along Highway No. 6 in Tobermory in proximity to the downtown core, along new service roads in Ferndale and in existing designated areas in Lion's Head, in each case using a planned approach aimed at limiting the impacts of strip development.
- .6 Provide adequate designated, zoned and serviced lands to encourage growth for all types of land uses.
- .7 Promote home occupations as an important component of economic growth and adopt regulations that help small business start up.
- .8 Pursue innovative and creative approaches to encouraging environmentally clean industry to locate within the Official Plan area.
- .9 Develop commercial building and signage regulations along ~~a~~ standardized and specific themes to be applied in conjunction with commercial uses in ~~the downtowns of~~ Tobermory and Lion's Head.

### 3.2.3 ~~Water and Sewage services shall be in accordance with Section 4.2 Municipal Services.~~ General Development Policies

- .1 Lot size shall be dependent on the nature of the use, the topography and drainage, and the method of sewage treatment and disposal.
- .2 Water and Sewage services shall be in accordance with Section 4.2 Municipal Services.
- .3 Parking and loading facilities should be located to the rear and side of the principal building fronting on the street.

- .4 Large parking areas should be divided into distinct areas separated by natural or landscaped areas to provide shade and visual relief.
- .5 Access to the parking areas shall be limited in number and designed to ensure traffic and pedestrian safety.
- .6 All parking areas shall be appropriately illuminated to ensure the safety of pedestrian and vehicular access.
- .7 All exterior lighting fixtures shall be full cut-off dark sky compliant lighting and shall avoid illumination of adjacent properties.
- .8 On-site landscaping shall be provided to buffer parking and storage areas from the road, except for designated entrances and exits.
- .9 Native Species are strongly encouraged for landscaping; of these, species resistant to wild fire are particularly encouraged. Species identified as invasive by the Government of Canada and/or the Province of Ontario are strongly discouraged.
- .10 Off-street parking, driveways and/or loading areas adjacent to residential uses shall be suitably screened or buffered with fences, berms or other appropriate landscape treatment.
- .11 Signs shall be limited in number and designed to be functional and avoid visual clutter and distraction.
- .12 Underground wiring for hydro, telephone and other transmission lines shall be promoted.
- .13 Prior to the establishment of any new Commercial / Light Industrial use on Highway 6, the landowner must obtain a Commercial Entrance permit from the Ministry of Transportation. Permits may also be required for development on local roads in proximity to the Highway.
- .14 Setbacks, buffer strips, berms, and other screening, building design and orientation, and other similar measures may be used to limit impacts on adjacent uses.
- .15 Energy saving design features including building orientation, glazing, and landscaping are encouraged.
- .16 Commercial Development shall be consistent with the “Streetscape Guidelines” and the “Spruce the Bruce Toolkits” adopted by the Municipality.

### 3.2.4 Downtown / Harbour Commercial

The Downtown / Harbour Commercial areas in Tobermory and Lion's Head contain the majority of retail and service activities within the Municipality.

#### 3.2.4.1 Goal

- .1 Develop a long-term improvement programme for the downtown / harbour areas within Tobermory and Lion's Head, making these areas a pedestrian friendly tourism destination.

#### 3.2.4.2 Actions

- .1 Provide opportunities through the Comprehensive Zoning By-law and other regulations for a mixture of commercial and residential uses in the downtown / harbour areas.
- .2 Maintain through zoning, site plan control and other regulatory measures, the historic charm of the downtown / harbour areas.
- .3 Encourage the development of parking areas outside of the downtown cores with pedestrian, bicycle, shuttle, and other transportation connections to the core.
- .4 Work with the Ministry of Transportation to develop a pedestrian crossing of Highway 6 near Hay Bay Road in Tobermory.
- .2

#### 3.2.4.3 Permitted Uses

In the Downtown / Harbour Commercial designation a wide variety of retail and service uses, serving year round, seasonal and transient tourist populations shall be permitted. Examples of permitted uses include general retailing, accommodation and food services, personal services, institutional uses and places of entertainment.

Residential uses accessory to permitted commercial uses shall be also be encouraged, in the form of apartments above or behind the principal commercial use of downtown buildings, or accessory detached residential units. Existing institutional uses and the replacement of such shall also be permitted.

New space extensive commercial uses requiring large lot areas or building requirements that do not require municipal sewer services or highway commercial uses, shall be redirected to lands within the Space Extensive/Light Industrial designation or Highway Commercial designation, respectively.

#### 3.2.4.4 Policies

In addition to Section 3.2.3 General Development Policies, the following apply:

DRAFT Official Plan for Tobermory, Lion's Head & Ferndale– (5 Year Review Oct 20127)

- .1 The Municipality shall promote the infilling of vacant lots and the use of vacant space above and behind commercial structures for commercial and accessory residential uses within the lands designated Downtown / Harbour Commercial as a means of creating compact downtown / harbour cores.
- .2 Development and redevelopment within the Downtown / Harbour Commercial designation shall have a maximum height of three (3) stories. ~~Development~~ will be encouraged in a tiered fashion, as shown on Schedules 'D' and 'E' to this Plan, in order to maintain the vistas of the harbour areas. This shall be implemented through progressive height requirements in the Zoning By-law.
- ~~.3 Development and redevelopment within the Downtown / Harbour Commercial designation shall be consistent with the "Streetscape Guidelines" and the "Spruce the Bruce Toolkits" adopted by the Municipality.~~
- ~~.4 The expansion of any existing commercial uses on private septic systems shall be permitted, provided all engineering requirements regarding private septic systems are met. A report shall be prepared by a qualified professional and shall be reviewed by the Municipality and other appropriate agencies. The report must indicate that any proposed expansions can be safely accommodated on private septic systems.~~
- ~~.5 It shall be a policy of the Municipality to require all development and/or redevelopment to provide adequate off-street parking and loading facilities and further, that access to the parking areas be limited in number and designed to ensure traffic safety.~~
- .6.3 Where it is impossible for adequate off-street parking to be provided by the owner of the building being developed or redevelopment within the downtown commercial core, the Municipality shall enter into an agreement with the owner to provide for the payment of cash-in-lieu of parking.
- .7.4 In an effort to improve downtown traffic congestion and parking problems, the Municipality shall continue efforts to improve public parking in Tobermory and Lion's Head.
- ~~.8 Off-street parking, drive-ways and/or loading areas adjacent to residential uses shall be suitably screened or buffered through the use of fences, or other appropriate landscape treatment.~~
- .9.5 All development and redevelopment proposals in the downtown area shall take into consideration, at the site planning stage, provisions for pedestrian and bicycle access.
- .10.6 Require as a condition of development and redevelopment the dedication of a right-of-way for the extension of the harbour boardwalk in Tobermory to Wireless Bay.

### **3.2.4.43.2.4.5 Special Policy Area No. 2 – Lion’s Head**

In the area of Lion’s Head immediately abutting the harbour where municipal sewers are not available, permitted new commercial uses should be those that generate only domestic waste (human and/or food effluent). Examples of such uses that complement the recreational/tourist nature of the harbour may include retail uses, marine uses such as boat rentals, cruise boat and fishing charters, restaurants, hotels, motels, inns, public uses and other similar uses. Residential uses accessory to permitted commercial uses shall ~~be~~ also be permitted. Only these uses shall be identified in the Zoning By-law.

### **3.2.4.6 Special Policy Area No. 4**

(NBP OPA #7 Housekeeping, BL #2009-86, F&E 13Oct09)

In the area designated as Special Policy Area No. 4 residential uses without the need for a primary commercial use may be permitted on existing lots of record outside of the downtown core areas as shown on Schedule ‘A’ Tobermory and Schedule ‘B’ Lion’s Head



### 3.2.5 Highway Commercial and Light Industrial

The Municipality recognizes that opportunities should be provided for new commercial and light industrial uses that have larger lot area requirements and/or rely on vehicular traffic and highway commercial access for their economic existence. Due to the compact nature of the cores of Tobermory and Lion's Head and the limited opportunity for the cores to expand, opportunities shall be provided for highway commercial and light industrial uses outside of the core commercial areas and within Ferndale: in order to diversify the area's economy, and provide opportunities for economic development that are not focused around the tourism and/or local services market. It is the intent of the Plan to provide opportunities for limited industrial and commercial uses on private septic and/or private water services where municipal services are not available.

#### 3.2.5.1 Goal

- .1 To promote the establishment of highway commercial businesses in order to meet the needs of the traveling tourist and the residents of Northern Bruce Peninsula.
- .2 To ensure that from a visual perspective, new highway commercial and light industrial uses are attractive and properly planned as additions to the commercial function of Northern Bruce Peninsula.
- .3 To encourage economic diversity by providing opportunities for commercial and clean industrial development outside of the tourism sector.
- .4 To provide lands for small-scale enterprises already located in the Municipality that wish to expand.

#### 3.2.5.2 Actions

- .1 Provide design standards in the Comprehensive Zoning By-law and through Site Plan Control and building/signage design standards that are consistent with the "Streetscape Guidelines" adopted by the Municipality such that the entrances to Tobermory, Lion's Head and Ferndale are attractive gateways to these attractive urban centres and to the entire Northern Bruce Peninsula.
- .2 Promote the grouping of highway commercial uses while prohibiting the continuance of strip development in order to minimize access points onto the major thoroughfares.
- .3 Work in conjunction with the Ministry of Transportation to ensure that all new highway commercial uses are provided with safe and efficient access.  
Encourage existing non-tourism related commercial and industrial uses in the Commercial, Highway Commercial and Rural designations to relocate to land designated Space Extensive Commercial / Light Industrial where such uses do not require municipal servicing.

.4 b) — Promote the establishment of a business park on lands designated Commercial / Light Industrial as a concentrated node of development, as opposed to scattered haphazard development.

### **3.2.5.3 Permitted Uses**

Highway Commercial uses are those that have large lot area, parking and/or building requirements ~~so large that it that~~ makes locating in the downtown unfeasible. In areas designated Highway Commercial, the various uses shall complement, not compete with, the economic function of the downtown commercial core, and shall not have a negative impact on the economic viability of the downtown.

The predominant Highway Commercial use of land shall be for those ~~commercial~~ uses that are:

- a) Are-dependent upon a high degree of access and visibility to vehicular traffic; and/or
- b) Have large lot area requirements not consistent with the compact nature of the downtown core; and/or
- c) but do not require municipal sewer and/or water services. Require outdoor areas for storage and display and/or,
- d) Require large single purpose buildings, such as automobile sales and service, marine repair and sales, building supply and sales establishments, furniture and appliance outlets, mini storage facilities, kennels and other such similar uses.

Light Industrial Uses are those manufacturing, processing and fabrication, contractor's shops and yards which have limited emissions of noise, dust, and odour, and are either entirely contained within buildings or can be provided with limited outdoor storage areas that are screened from roads and surrounding uses.

### **3.2.5.4 Policies**

In addition to the policies of Section 3.2.3 General Development Policies, the following apply:

- .1 The Municipality shall encourage new Highway Commercial and Light Industrial uses to be grouped in areas as opposed to scattered along the highway.
- .1
- .2 Where feasible, similar uses should be encouraged to be grouped together to avoid land use conflicts.
- .3 Higher-intensity Highway Commercial and Light Industrial Uses that generate larger volumes of sewage are encouraged to locate where they can be connected to the Municipal sewer system.

~~—~~In the absence of municipal sewer systems, generally, only highway commercial [and light industrial](#) uses that generate domestic waste (i.e. human and/or food) shall be permitted on private septic services. Examples of such uses shall include automobile [sales and](#) service stations, automobile repair establishments, convenience stores, equipment rental establishments, restaurants, hotels and motels. ~~a) The predominant commercial use of land within the Space Extensive Commercial / Light Industrial designation shall be those commercial services that:~~

~~— do not rely on vehicular traffic or tourism traffic for their economic existence and/or,~~  
~~— have large lot area requirements not consistent with the compact nature of the downtown core and/or,~~  
~~— that require outdoor areas for storage and display and/or,~~  
~~— require large single purpose buildings, such as automobile sales and service, marine repair and sales, building supply and sales establishments, furniture and appliance outlets, mini storage facilities, kennels and other such similar uses.~~

~~2.4~~ Only these uses shall be identified in the Zoning By-law.

~~3.5~~ In order to ensure that the Highway Commercial [and Light Industrial](#) areas within this Official Plan are developed as attractive entrances to Tobermory, Lion's Head and Ferndale, [and to avoid negative impacts of such development on adjacent uses](#), it shall be a policy of the Municipality that the following site development standards be satisfactory addressed by all Highway Commercial [and Light Industrial](#) development proposals:

~~— lot size shall be dependent on the nature of the use, the topography and drainage, and the method of sewage treatment and disposal; and,~~

~~i) All outdoor storage for uses other than automotive and recreational vehicle dealerships should be located to the rear or side of the main building on the lot;~~

~~i)ii) i) landscaping shall be provided on the site of all Highway Commercial developments to buffer parking and storage areas from the road, except for designated entrances and exist;~~ signs shall be limited in number and designed to be functional and avoid visual clutter and distraction, and where possible should be consolidated on shared sign structures;

~~ii)iii) underground wiring for hydro, telephone and other transmission lines shall be promoted; and,~~

~~iii) Setbacks, buffer strips, berms, and other screening, building design and orientation, and other similar measures may be used to~~

iv) ~~iv) vehicular parking for employees shall be restricted to the side or rear of the principal building and screened from surrounding uses and views from the street.~~ limit impacts on adjacent uses.

~~4.6~~ To allow for the safe and efficient movement of traffic, strip development shall be prohibited. ~~Highway Commercial~~ U-uses should be grouped for access and servicing advantages. Efforts shall be made to reduce access points by combining exits and entrances or by creating a service road where possible.

~~5~~ ~~Prior to the establishment of any new Highway Commercial use, the landowner must obtain a Commercial Entrance permit from the Ministry of Transportation.~~

~~6~~ ~~Where necessary, off-street parking, driveways and/or loading areas adjacent to residential uses shall be suitably screened or buffered through the use of fences, berms or other appropriate landscaped treatment.~~

~~7~~ ~~All parking areas shall be appropriately illuminated to ensure the safety of pedestrian and vehicular access.~~

~~8~~ ~~Effects of Highway Commercial development on adjacent uses shall be minimized by:~~

~~9.1~~ ~~lot size shall be dependent on the nature of the use, the topography and drainage, and the method of sewage treatment and disposal; and,~~

~~10~~ ~~where feasible, similar uses should be encouraged to be grouped together to avoid land use conflicts.~~

~~7~~ The Municipality may investigate the feasibility of developing a commercial / industrial business park, although the intent of this Plan is to discourage industrial activity in Lion's Head that could possibly jeopardize the intended quiet and picturesque nature of this village.

~~8~~ Some lands designated as Space Extensive Commercial and Industrial in Tobermory are in close proximity to the Municipality's landfill site. Prior to new uses being established in this area, the Municipality shall be assured that the use is appropriately set back from the disposal site and that leachate mitigation measures are taken when required. Setbacks shall be required to ensure that the location of the proposed use will not inhibit future expansions to the licensed area, and that the proposed use will not cause a safety hazard due to the presence of landfill gases. Required setbacks and compatibility of new uses with adjacent landfill areas shall be determined through the zoning process. The Municipality, in considering the appropriateness of the use and required setbacks may rely on the assistance of the Ministry of the Environment, their designate, or other qualified professional.

.9 While it is intended that the majority of residential uses will occur within the Residential designation, residential uses accessory to a permitted use may be permitted if adequate buffers can be established from adjacent properties and uses to maintain the function of the Highway Commercial and Light Industrial designation.

### **3.2.5.43.2.5.5 Special Policy Area No. 3 - Ferndale**

Notwithstanding their Highway Commercial designation, on those lands identified as Special Policy Area No. 3 (SPA 3) on Schedule 'C' to this Plan, the following uses shall be permitted:

- i) Retail sales establishment with a maximum building size not exceeding 3000 sq. ft.
- ii) Highway commercial in accordance with [Section 3.2.4](#) of this Plan.
- iii) Professional offices and personal service establishments.
- iv) Recreation and open space uses in accordance with [Section 3.5](#) of this Plan.

Commercial uses that generate non-domestic waste shall be prohibited.

### **3.2.5.53.2.5.6 Special Policy Area No. 5 – 7240 Hwy 6, St Edmunds, NBPOPA12-15.68**

Notwithstanding the Highway Commercial policies of this Plan, on those lands identified as Special Policy Area No. 5 (SPA 5) on Schedule 'C' to this Plan, a detached dwelling and accessory building shall be a permitted use.

### ~~3.2.5 Space Extensive Commercial and Light Industrial~~

~~The Municipality recognizes that opportunities are required in order to diversify the area's economy, and that not all economic development should necessarily focus around the tourism and/or local services market. The Municipality feels it necessary to provide lands for commercial and industrial uses that do not require downtown or highway exposure, and uses that may not be compatible with other core area or highway commercial uses. It is the intent of the Plan to provide opportunities for limited industrial and commercial uses on private septic and/or private water services where municipal services are not available.~~

#### ~~3.2.5.1 Goal~~

- ~~a) To encourage economic diversity by providing opportunities for commercial and clean industrial development outside of the tourism sector.~~
- ~~b) To provide lands for small scale enterprises already located in the Municipality that wish to expand.~~

#### ~~3.2.5.2 Actions~~

- ~~a) Encourage existing non-tourism related commercial and industrial uses in the Commercial, Highway Commercial and Rural designations to relocate to land designated Space Extensive Commercial / Light Industrial where such uses do not require municipal servicing.~~
- ~~b) Promote the establishment of a business park on lands designated Commercial / Light Industrial as a concentrated node of development, as opposed to scattered haphazard development.~~

#### ~~3.2.5.3 Permitted Uses~~

~~In areas designated Space Extensive Commercial / Light Industrial, the various commercial uses permitted shall be those commercial and industrial uses normally not found in the downtown commercial area.~~

##### ~~3.2.5.3.1 Commercial~~

- ~~a) The predominant commercial use of land within the Space Extensive Commercial / Light Industrial designation shall be those commercial services that:~~

~~• do not rely on vehicular traffic or tourism traffic for their economic existence and/or,~~

~~• have large lot area requirements not consistent with the compact nature of the downtown core and/or,~~

~~that require outdoor areas for storage and display and/or,~~

~~• require large single purpose buildings, such as automobile sales and service, marine repair and sales, building supply and sales establishments, furniture and appliance outlets, mini storage facilities, kennels and other such similar uses.~~

~~b) Where municipal sewers are not available, permitted new commercial uses should be those that generate only domestic waste (human and/or food effluent). Only these uses shall be identified in the Zoning By-law.~~

~~c) Where a non-domestic waste generator is proposed, prior to development the following conditions of development must be satisfied:~~

~~i) the development is infilling, or development of existing lots of record;~~

~~ii) the use(s) are limited to those that would not normally require excessive amounts of water or generate large volumes of waste water;~~

~~iii) the proposed servicing system complies with the standards of the appropriate approval authority;~~

~~iv) where possible, when new lots are being created, the lots should be of a size and dimension to permit the lots to be divided to create two or more suitably sized lots served with full municipal services; and~~

~~v) major new development or redevelopment will only be permitted if the development is serviced by municipal water and sewer systems, unless the municipality has undertaken a Settlement Capacity Study, pursuant to, and in accordance with, County policy, to demonstrate that the development can be adequately serviced by partial or private services.~~

~~vi) Were no municipal water or sewer services exists, new non-domestic waste generators or uses which use large volumes of water shall only be permitted after addressing the policies of Section 4.2 Municipal Services.~~

### 3.2.5.3.2 ~~Light Industrial~~

- ~~a) The predominant Industrial use of land in Space Extensive Commercial and Light Industrial designation shall be for manufacturing, processing and fabrication, contractor's shops and yards. Where municipal sewers are not available, permitted new light industrial uses should be those that generate only domestic waste (human and/or food effluent). Only these uses shall be identified in the Zoning By-law.~~
- ~~b) Where a non-domestic waste generator is proposed, prior to development the following conditions of development must be satisfied:~~
- ~~i) the development is infilling, or development of existing lots of record;~~
  - ~~ii) the use(s) are limited to those that would not normally require excessive amounts of water or generate large volumes of waste water;~~
  - ~~iii) the proposed servicing system complies with the standards of the appropriate approval authority;~~
  - ~~iv) where possible, when new lots are being created, the lots should be of a size and dimension to permit the lots to be divided to create two or more suitably sized lots served with full municipal services; and~~
  - ~~v) major new development or redevelopment will only be permitted if the development is serviced by municipal water and sewer systems, unless the municipality has undertaken a Settlement Capacity Study, pursuant to, and in accordance with, County policy, to demonstrate that the development can be adequately serviced by partial or private services.~~
- ~~c) vi) Where no municipal water or sewer services exists, new non-domestic waste generators or uses which use large volumes of water shall only be permitted after addressing the policies of Section 4.2 Municipal Services.~~

### 3.2.5.4 ~~General Policies~~

- ~~a) The minimum lot size shall be dependent on the nature of the use, the topography and drainage, and the method of sewage treatment and disposal.~~
- ~~b) The Municipality may investigate the feasibility of developing a commercial/ industrial business park, although the intent of this Plan is to discourage~~



~~industrial activity in Lion's Head that could possibly jeopardize the intended quiet and picturesque nature of this village.~~

- ~~e) In order to ensure that Space Extensive Commercial and Light Industrial lands within the Municipality are visually compatible in the community, it shall be a policy of the Municipality that the following site development standards be satisfactorily addressed by all Commercial and Industrial development proposals in the designation:
  - ~~i) landscaping shall be provided between any industrial use or parking areas, adjacent roadway, and abutting commercial uses, except for designated entrances and exits;~~
  - ~~ii) all outdoor storage for uses other than automotive and recreational vehicle dealerships should be located to the rear or side of the main building on the lot and shall be fenced or suitably screened from adjacent uses;~~
  - ~~iii) signs shall be limited in number and designed to be functional and avoid visual clutter and distraction, and where possible should be consolidated on shared sign structures;~~~~
- ~~d) Adequate off-street customer parking and loading facilities shall be provided and shall be located to the rear and side of the principal building fronting on the street.~~
- ~~e) Where necessary, off-street parking, driveways and/or loading areas adjacent to residential uses shall be suitably screened or buffered through the use of fences, beams or other appropriate landscape treatment.~~
- ~~f) All parking areas shall be appropriately illuminated to ensure the safety of pedestrian and vehicular access.~~
- ~~g) Effects of Space Extensive Commercial and Light Industrial development on adjacent uses shall be minimized by:~~
- ~~h) Providing distance separation and/or the construction and maintenance of buffer strips and/or screening between such uses;~~

~~3.2.6.1.1.1 building design and site planning measures;~~

~~3.2.6.1.1.2 the arrangement of lighting facilities and commercial signs to minimize impact on surrounding uses.~~

~~3.2.6.1.1.3 ensuring that off-street parking facilities do not adversely affect surrounding uses~~

~~i) - In some circumstance, lands designated as Space Extensive Commercial and Industrial in Tobermory are in close proximity to the Municipality's landfill site. Prior to new uses being established in this area, the Municipality shall be assured that the industrial or commercial use is appropriately set back from the disposal site and that leachate mitigation measures are taken when required. Setbacks shall be required to ensure that the location of the proposed use will not inhibit future expansions to the licensed area, and that the proposed use will not cause a safety hazard due to the presence of landfill gases.~~

~~Required setbacks and compatibility of new uses with adjacent landfill areas shall be determined through the zoning process. The Municipality, in considering the appropriateness of the use and required setbacks may rely on the assistance of the Ministry of the Environment, their designated or other qualified professional.~~

### **3.2.73.2.6 Recreational Commercial**

Opportunities shall also be provided within the Municipality for recreational uses that cannot easily be located in the existing built up commercial core areas. Typically, these uses rely on the natural environment as an attraction, and have large lot requirements.

#### **3.2.7.13.2.6.1 Goals**

- .1 To provide opportunities for local recreational activities and tourism related activities that are of a space extensive nature outside of the core area and Federal Park.

#### **3.2.7.23.2.6.2 Actions**

- .1 ~~a)~~—Ensure through local zoning and other regulations that recreational commercial developments are compatible with the surrounding rural environment and that any environmental impacts of such uses are mitigated.
- .2 ~~b)~~—Water and Sewage services shall be in accordance with [Section 4.2](#) Municipal Services.

#### **3.2.7.33.2.6.3 Permitted Uses**

Within the Recreational Commercial designation, space extensive recreational uses such as golf courses and riding stables, cross country ski and mountain biking facilities, natural, cultural or historical appreciation and interpretive facilities and other such similar uses shall be permitted.

#### **3.2.6.4 Policies**

[In addition to the policies of Section 3.2.3 General Development Policies the following apply:](#)

- .1 The minimum lot size shall be dependent on the nature of the use, the topography and drainage, and the method of sewage treatment and disposal.
- .2 As it is not intended that Recreational Commercial uses will be provided with municipal water or sewers, those uses permitted shall not require or create large volumes of water and can be serviced by private wells and septic systems. The method of servicing for Recreational Commercial uses shall be determined on an individual basis and shall be assessed by the Ministry of the Environment or their agent based upon the type and volume of waste produced, the size of proposed lot and the nature of the soils.
- .3 In order to ensure that Recreational Commercial uses are visually compatible in the community, it shall be a policy of the Municipality that the following site development standards be satisfactorily addressed by all [recreational commercial development proposals](#):
  - i) landscaping ~~may be provided~~ between any parking areas, service buildings, roadways, and abutting uses;

- ii) all outdoor storage shall be located to the rear or side of the main building on the lot and shall be fenced or suitably screened from adjacent uses; and
- iii) signs shall be limited in number and designed to be functional and avoid visual clutter and distraction, and where possible should be consolidated on shared sign structures;
- ~~iv) Adequate off-street customer parking and loading facilities shall be provided and shall be located to the rear and side of the principal building fronting on the street.~~
- ~~v) Where necessary, off-street parking, driveways and/or loading areas adjacent to residential uses shall be suitably screened or buffered through the use of fences, beams or other appropriate landscape treatment.~~
- ~~vi) All parking areas shall be appropriately illuminated to ensure the safety of pedestrian and vehicular access.~~
- ~~.4 Effects of Recreational Commercial development on adjacent uses shall be minimized by:~~
  - ~~i) providing distance separation and/or the construction and maintenance of buffer strips and/or screening between such uses;~~
  - ~~ii) building design and site planning measures;~~
  - ~~iii) the arrangement of lighting facilities and commercial signs to minimize impact on surrounding uses.~~
  - ~~iv) ensuring that off-street parking facilities do not adversely affect surrounding uses~~

## 3.2.7 Campgrounds and Travel Trailer Parks

### 3.2.8-13.2.7.1 Policies

This designation recognizes Existing campgrounds and travel trailer parks ~~shall be recognized~~ as permitted uses. The expansions of existing campground and travel trailer operations ~~shall~~ not require an amendment to this plan and may be permitted by amendment to the Comprehensive Zoning By-law. All other new campground and travel trailer operations shall ~~be permitted~~ require an amendment to this Plan. Provided that a demand is proven for the proposed use, both expansions and new operations shall be subject to the following requirements:-

### 3.2.8-23.2.7.2 Locational Criteria

Travel trailer parks and campgrounds shall be located in locations with direct access onto or in close proximity to a paved road of acceptable standard. Such uses shall not be located within a Natural ~~Area~~ Hazard area ~~is~~ indicated on Schedules 'A', or 'B' nor within proximity to sewage lagoon or waste disposal facilities.

### 3.2.8-33.2.7.3 Design Requirements

- .1 The minimum lot area for a Campground and Travel Trailer Park shall be not less than 4.2 hectares (~~4.5~~ acres) with a minimum lot frontage of 100 metres (330 feet).
- .2 The minimum campsite shall be 232 square metres (2,500 square feet) with a minimum width of 15.2 metres (50 feet). Each campsite shall have a minimum buffer planting area of 1.5 metres (5 feet) along the rear and sides, and such buffer planting shall contain trees not less than 1.5 metres (5 feet) in height. Rear site buffers shall not be required for pull-through sites.
- .3 Permitted accessory uses in conjunction with a Campground and Travel Trailer Park may include the sale of convenience items for customers, mini golf, restaurant and other similar uses.
- .4 Adequate buffer planting or screening shall be provided between the Campground and Travel Trailer Park and any adjacent residential areas and such buffer planting or screening shall include the provision of grass strips, berms, screening and appropriate planting of trees and shrubs. All sites shall be visually screened from abutting roadways.
- .5 Campground and Travel Trailer Park areas shall be located in such a manner that the road pattern ~~provided~~ provides for the adequate movement of vehicular traffic. Access points to parking areas shall be limited in number and designed in such a manner that the danger to vehicular and pedestrian traffic will be minimized. All uses shall provide for adequate on-site parking facilities. Where located on a local road,

development may be contingent upon the successful completion of a traffic impact study. Where located with direct access onto a provincial highway, all access requirements of the Ministry of Transportation or County shall be met.

- .6 Camping and trailer park facilities shall be serviced in such a manner that impacts on the natural environment, including surface and subsurface water resources, are minimized. Sites shall be serviced by communal sewage and water facilities designed by a qualified professional. Water and Sewage services shall be in accordance with [Section 4.2](#) Municipal Services.
- .7 Sites and facilities shall be designed so that as many of the natural features as possible ~~is~~are left intact. A lot grading and drainage plan shall be submitted with each proposal, with such plan including provisions for natural features and tree retention.
- .8 Campgrounds and travel trailer facilities shall be placed under a separate zone in the Comprehensive Zoning By-law, shall be subject to Site Plan Control and ~~all~~any [applicable](#) licensing requirements of the Municipality.

### 3.3 Community Facility

There is a range of community services located in Northern Bruce Peninsula that enhance the role of the community as a central service provider for tourists and residents of the Peninsula. These facilities draw people to the area and also provide employment opportunities.

#### 3.3.1 Goal

- .1 Maintain and enhance the existing service centre function of Ferndale, Tobermory and Lion's Head.

#### 3.3.2 Actions

- .1 Promote the use of government, park, school facilities as community facilities and multi-use facilities.
- .2 Encourage the establishment of regional and community facilities and programs which address the changing needs of the Community to locate within Tobermory and Lion's Head.
- .3 To ensure ~~that~~ the location of new community facilities in such a way as to provide the optimum pedestrian, bicycle and vehicle access between the downtowns and public facilities.
- .4 Water and Sewage services shall be in accordance with [Section 4.2](#) Municipal Services.

#### 3.3.3 Permitted Uses

The Community Facility designation shall permit uses associated with health, welfare and education purposes, such as hospitals, schools, public libraries, places of worship, day nurseries, fraternal association halls and other similar places of assembly, funeral homes, farmers markets, arenas and similar public recreation facilities, government information services and offices, sewer and water facilities, police or fire stations, public utilities and related uses and activities.

Ancillary commercial and industrial uses shall also be permitted on the Tobermory Municipal Airport lands [in accordance with Section 3.2.5](#).

#### 3.3.4 Policies

The following policies shall apply to all lands designated Community Facility within the Planning Area.

### 3.3.4.1 Airport Height and Noise Restrictions

- .1 The Municipality shall use the Comprehensive Zoning By-law to regulate the height of buildings in proximity to the Tobermory Airport. On those lands designated as Community Facility in proximity to the airport, noise mitigation methods may have to be considered in permitting new development.

### 3.3.4.2 Establishment of New Facilities

~~1~~ It shall be the policy of the Municipality that the following criteria be satisfactorily addressed by all new Community Facility proposals:

- i) ~~new community facilities shall be d~~Design~~ed~~ and locat~~ion ed so as~~ to allow for the shared use of the facility.
- ii) ~~Compatibility~~ Compatibility ~~le~~ with surrounding uses ~~and should be~~
- ii) ~~Ability~~ Ability ~~le~~ to function as a focal point for the neighborhood or community;
- iii) ~~iv~~ iv The anticipated level of vehicular traffic ~~is taken into consideration~~, as well as pedestrian links between the facility and the Downtown and public facilities.
- iv) ~~v~~ v Proximity to necessary support community facilities;
- v) ~~vi~~ vi Adequacy of the site ~~–~~ to accommodate buildings, future expansions, accessory off-street parking and landscaping;
- vi) ~~vii~~ vii Buffers, planting or fencing ~~shall be established~~ between community facility land uses and adjacent land uses.
- vii) ~~viii~~ viii Commercial and industrial developments associated with the Tobermory municipal airport shall be permitted subject to the development criteria in the Space Extensive Commercial / Industrial designation Highway Commercial and Light Industrial designation.
- viii) ~~ix~~ ix In addition to all other policies contained within this Plan, development within the Community Facility designation shall have specific regard for the policies of Section 4 of this Plan.

### 3.3.5 Exceptions - Community Facility

#### 3.3.5.1 OPA 2 Bylaw No. 4063

(James Hill Construction, Plan D7, Part Unit 42, Lion's Head)

Notwithstanding the 'Community Facilities' policies of this Plan, on the lands identified as Site Specific Policy Area 3.3.5.1 on Schedule 'B', permitted uses may include a duplex dwelling or an apartment unit.



### 3.4 Natural Features and Areas

Tobermory and Lion's Head are located at the end of one of the most beautiful natural settings in the world. The Niagara Escarpment, Georgian Bay, Lake Huron, the harbours and the general sense of natural open space serve as constant reminders of the importance environment and all it has to offer.

From an economic development perspective, the Municipality recognizes the natural environment as its most important asset. The focus of the Natural Areas policies in this Plan is aimed at sustaining these natural areas to ensure enjoyment by future generations.

~~The Natural Area designation also applies to lands that have hazardous features that present restraints to development and to lands that are designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan Area. Such areas include flood-prone lands and shorelines, organic and unstable soils, steep or unstable slopes and swampy, low lying and marshy areas.~~

#### 3.4.1 ~~3.4.1~~ Goals

- .1 Play a lead role in the maintenance and enhancement of the natural environment to ensure that the ecological functions remain intact for future generations.
- ~~.2 Protect and preserve land having inherent physical and environmental constraints to development, in order to avoid potential danger to life or property from the use of such lands.~~

#### 3.4.2 Actions

- ~~o Identify and implement rigid regulations to protect the Municipality's natural features and areas including core deer areas, Areas of Natural and Scientific Interest such as the St. Edmunds Cave system, Provincially Significant Wetlands including the Tobermory Bog, and Barney Lake Wetland Complex, other wetlands, fish habitat, significant woodlands and significant valleylands, habitat of endangered species and threatened species, and significant wildlife habitat, which are important for their environmental and social values as a legacy and representation of the natural landscapes of the area. Lands owned by government and conservation organizations for conservation purposes may also be included in the Natural Areas designation.~~
- ~~.1~~
- ~~.2 identify areas that are hazardous or pose a threat to human life or property due to steep slopes, unstable soils, flood susceptibility, or other physical restraints.~~

- ~~3.1~~ requireRequire buffer areas around natural features and areas when new development is proposed.
- ~~4.2~~ recognizeRecognize the predominance of karstic drainage features in the area, and that special consideration needs to be given to the impact of new development on ground water resources.
- ~~5.3~~ enlistEnlist the assistance of public and private agencies to ensure that any ground water contamination problems resulting from any faulty septic systems are addressed.
- ~~6.4~~ promotePromote the conservation of energy, water and other natural resources.
- ~~7.5~~ recognizeRecognize that not all natural features and areas have been mapped within the settlement area and that features exist outside of the settlement area boundaries boundary shown on Schedule 'A' Land Use Plan, e.g. Baptist Harbour – Cape Hurd ANSI, portions of the Lake Huron shorelands, Hopkins Bay, etc. Planning and development decisions shall take into account the impacts of these decisions on those features and areas outside the plan area.

### 3.4.3 Permitted Uses

On lands designated Natural Area, permitted uses shall be limited open space uses not requiring closed buildings or major alterations to the landscape, conservation, passive outdoor recreation, public parks, and essential public utilities. Other uses may proceed only by amendment to this Plan.

Section 4.1 Environmental Review provides policies to review development proposals within and/or adjacent to the features identified below.

In some instances, the Natural Area designation falls within the Escarpment Natural or Escarpment Protection designation of the Natural Escarpment Niagara Escarpment Plan. In these cases, permitted uses shall be in accordance with the uses permitted for the Niagara Escarpment Plan designation.

### 3.5 Environmental Hazard Lands

Some lands within the Natural Area designation Settlement Area have been recognized as being unsuitable for development due to inherent physical barriers to development such as the presence of steep slopes, flooding, erosion, and dynamic beach hazards along ~~prone and shoreline~~s areas, flooding and erosion hazards associated with rivers and streams, and wetlands which are seasonally or permanently covered by shallow water or water table close to the surface. ~~low lying or marshy areas, and areas with organic or unstable soil types.~~

### 3.5.1 Policies

- .1 In some instances, physical hazards to development may be overcome through site engineering, special site servicing requirements and/or lot grading and drainage works. Proposals to develop lands with inherent physical restraints shall be dealt with on a case-by-case basis.
- .2 Should all other requirements of this Plan be met, new development may proceed through an amendment to ~~this Plan~~ the Comprehensive Zoning By-law.
- .3 In the event that the mapped boundary of an environmental hazard is found to be in error, such boundary may be adjusted by the authority of the Zoning Administrator in consultation with such expertise as may be warranted.
- .4 Accurate mapping of shoreline flooding and wave impact areas is not, in all cases, available; the Comprehensive Zoning By-law may establish text-based regulations which prevail over lines on the zoning schedule. Further, in the event that coastal flooding and wave uprush hazards can be demonstrated by a coastal engineer to be reduced in a specific area, site-specific floodproofing requirements may be requested through a minor variance to the Zoning By-law.
- .4.5 Minor adjustments to the boundaries of Provincially Significant Wetlands shall require approval from the appropriate Provincial authority. ~~Minor adjustments to the boundaries of identified physical hazards may take place without an amendment to this Plan, provided that any changes are recognized through the Comprehensive Zoning By-law.~~

### **3.6 Recreation & Open Space**

Due to the existence of the Federal and Provincial Park systems, the Municipality has not traditionally been relied upon to provide large amounts of open space or parklands for public recreational activities.

The Municipality does offer a few waterfront parks, including the sandy beach in Lion's Head, and also operates a camping facility of about 40 sites. Furthermore, the Municipality also has marinas in Tobermory and Lion's Head. This notwithstanding, as the permanent population and demands of the tourism market increase, the Municipality recognizes that efforts need to be taken to improve public waterfront access and recreational opportunities.

#### **3.6.1 Goals**

To provide a broad range of recreational opportunities for all residents and visitors by:

- .1 Continuing to provide capital improvements to the existing public parklands within the Municipality and ensuring that the public has access to these lands over the long term.
- .2 Developing new public waterfront land in the Municipality.

#### **3.6.2 Actions**

- .1 Attempt to locate new park and open space areas in locations that serve both the traveling public and the residents of Northern Bruce Peninsula.
- .2 Promote the protection of lands that provide scenic vistas or have important natural qualities.
- .3 Improve existing public waterfront park and boat launch facilities.
- .4 Develop an overall park plan that guides public expenditures and improvements in the waterfront park, which includes an evaluation of the costs/benefits of camping vs. open space uses in the park.
- .5 Water and Sewage services shall be in accordance with [Section 4.2](#) Municipal Services.

#### **3.6.3 Permitted Uses**

In areas designated Recreation & Open Space, the predominant use of land shall be oriented towards active and passive recreation and conservation activities. Permitted uses shall include public parks, pedestrian walkways and bicycle paths, playgrounds, picnic areas, swimming pools, sport fields, community centres, arenas, incidental village fairs or

circuses, farmers, artisans or craft markets, marinas, tourist information centre, museum, cemeteries, commercial tour or diving boat services and tour boats, municipality owned camping facilities and other similar public recreation uses. Permitted uses of Federal park lands designated as Open Space are subject to the Federal Parks Management Plan, which takes into account the parks and open space system policies of the Niagara Escarpment Plan.

### **3.6.4 Policies**

- .1 It shall be the policy of the Municipality to develop and maintain a system of parkland and recreation facilities necessary to meet the varied needs of the community.
- .2 The establishment of future parkland shall, wherever feasible, be coordinated with the School Boards, Parks Canada and other community users in order to achieve the integration of facilities and to maximize the recreation opportunities and use of the facility.

### **3.6.5 Parkland Dedication**

- .1 It shall be the policy of the Municipality to require the dedication of parkland, in accordance with the Planning Act, for all developments, redevelopments and plans of subdivisions. These lands shall be suitable for use as municipal parkland and shall be assessed based on meeting one or more of the following criteria:
  - i) the lands are located near or adjacent to established parks, schoolyards, natural areas or storm water management areas;
  - ii) the lands are within easy walking distance of the residential neighbourhood to be serviced;
  - iii) the lands have adequate street frontage to provide for visibility and safety; and,
- .2 The Municipality may accept additional lands over and above the parkland dedication required under the Planning Act and may incorporate these lands into its park system. Such lands may include:
  - i) storm water management areas;
  - ii) lands having environmental or physical conditions which render them unsuitable for development; and,
  - iii) lands which important scenic vistas or possess unique natural qualities.

### **3.6.6 Cash-in-lieu of Parkland**

- .1 The Municipality may require cash-in-lieu of parkland, as provided for in [Section 42](#) of the Planning Act, under the following circumstances:
- i) the amount of parkland to be dedicated in accordance with the Planning Act is of insufficient size to be usable for normal public recreational activities;
  - ii) the neighbourhood is adequately serviced by existing municipal parks or open space;
  - iii) the Municipality wishes to combine the parkland dedications of a number of small developments in order to provide for one large park; and,
  - iv) the required dedication would render the remainder of the site unsuitable or impractical for development.
  - v) Cash-in-lieu of parkland payments shall be placed in a separate account and used for the acquisition or development of parkland within the Community.

### 3.7 Rural

The majority of the lands within the Rural designation of the Plan have been maintained in large blocks. In some instances, these lands are used for cattle grazing and non-intensive farming, while in other situations the lands are used for residential uses and rural home businesses.

It is the intent of this Plan that lands within the Rural designation remain in large blocks and that scattered and strip development be prohibited.

Given the large supply of vacant lots both inside Tobermory and Lion's Head and outside of these urban areas but within the Municipality, a large demand for residential development is not foreseen within the Official Plan's Rural designation.

#### 3.7.1 Goals

- .1 Recognize the rural environment as an important community and tourism related resource.
- .2 Maintain the sense of open space in the Rural designation by ensuring that new developments are small scale and compatible with the rural environment.
- .3 Maintain rural lands in their present [state](#) until a demand or need is proven for their urban use.

#### 3.7.2 Actions

- .1 Prohibit further strip development along the public roads by restricting severance activity.
- .2 Encourage large-scale commercial and industrial developments to locate in other designations in the Plan area already designated for such uses.
- .3 Provide economic development opportunities by permitting small-scale rural industries and home businesses in the rural area.
- .4 Ensure that aggregate resource areas remain unobstructed from future extraction by prohibiting lot creation in close proximity to these areas.
- .5 Water and Sewage services shall be in accordance with [Section 4.2](#) Municipal Services.

#### 3.7.3 Permitted Uses

The use of lands designated Rural shall be limited to non-intensive agricultural uses, residential uses, small scale rural industries and home businesses and open space activities. ~~Wayside pits and portable asphalt plants used on a temporary basis on public~~  
[DRAFT](#) Official Plan for Tobermory, Lion's Head & Ferndale – (5 Year Review [Oct 2012](#))

authority contracts may also be considered except in those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities. Rural-oriented commercial uses may be permitted provided they are small scale and serve the local agricultural community.

For those lands within the Niagara Escarpment Plan area, wayside pits, portable asphalt plants, golf courses, commercial campgrounds and rural-oriented industrial uses (e.g. contractor's yard) shall not be permitted.

### 3.7.4 Severance Policies

Residential or seasonal development may occur within the Rural designation subject to the following policies:

- .1 On an original municipal lot of a minimum of 40 hectares (100 acres) or other contiguous holdings of 40 hectares (100 acres), one lot may be created.
- .2 The minimum lot size shall be 0.8 hectares (2 acres) and the maximum lot size shall be 4 hectares (10 acres);
- .3 The severed and retained parcels shall each have a minimum frontage of 91.4 metres (300 feet) along an open and maintained, year-round municipal road. Severance of rural residential lots shall be prohibited on Provincial Highway No. 6; [and](#),
- .4 The frontage-to-depth ratio should be a maximum of 1:3 and conform to the appropriate zoning requirements.
- .5 All applications for rural residential severances shall be accompanied by a site plan indicating all existing and proposed buildings, potable water sources, tile bed and mantle areas including replacement or contingency areas, natural features and road access points. A report [may](#) be required by a qualified professional indicated that the lands are suitable or can be made suitable for private septic servicing.

### 3.7.5 Rural-Oriented Industrial and Commercial

Rural-oriented commercial and industrial uses permitted within the Rural designation can be grouped under ~~three~~[two](#) broad categories:

- Small Scale Rural Industries and Home Business
- Rural Industrial Uses



### 3.7.5.1 Small Scale Rural Industries and Home Business

- .1 Small Scale Rural Industries and Home Business operate as an accessory use to a rural residence and serve as an incubator to economic development. Generally, these businesses are owned and operated by the resident or residents of the property, either from within the residence or an accessory building.
- .2 Examples of small scale rural industries are welding, small engine repair, cabinet or furniture making, carpentry, trades persons businesses and other such similar uses. Example of home businesses are professional offices, insurance agents, real estate agents, accountants, photographers, hair dressers and other such similar professionals, domestic and household arts such as arts and music instruction, painting, sculpting or other arts related production and other such similar uses, bed and breakfast establishments and rural farm vacations.
- .3 Small Scale Rural Industries and Home Businesses shall be designed in such a way that the impacts of such uses on the rural environment and abutting residential uses shall be minimized. Such enterprises shall be regulated through the Comprehensive Zoning By-law and a Municipal licensing process. In addition to the policies of [Section 3.1.4-38](#) “Home Business”, the Comprehensive Zoning By-law may provide for industrial and commercial uses to take place in accessory buildings.
- .4 Bed and breakfast and farm vacation operations established in the Rural designation shall be subject to the “Bed and Breakfast” policies of [Section 3.1.4-27](#).
- .5 The Comprehensive Zoning By-law shall provide regulations for Small Scale Home Industries and Home Businesses which:
  - i) include a detailed list of permitted home industry or home business uses ;
  - ii) restrict the number of people employed in the home industry or home business;
  - iii) provide a maximum percentage of the floor area of the residence and/or accessory building which may be used for the home industry or home business;
  - iv) distinguish types of uses that can be carried out in a residence and which type can be carried out in an accessory building;
  - v) ensure the maintenance of the external appearance of the property, residence and accessory buildings and control exterior signs;
  - vi) provide appropriate parking standards and buffer requirements for such uses;
  - vii) limit traffic impact.
- .6 Small Scale Home Industries and Home Businesses may be subject to Site Plan Control ~~and shall require licensing by the Municipality.~~

### 3.7.5.2 Rural Industrial

Examples of Rural Industrial uses are forestry, timbering and associated uses.

### 3.7.6 Rural Exceptions

## 3.8 Extractive Industrial

The Municipality of Northern Bruce Peninsula has a limited supply of aggregate deposits. It is the intent of this Plan that the remaining resources be protected to ensure future extraction.

### 3.8.1 Permitted Uses

The predominant use of land in the Extractive Industrial designation shall be aggregate resource extraction. Associated accessory uses such as crushing, washing, concrete batching, or other similar uses accessory to aggregate processing shall be permitted. Portable asphalt plants used on a temporary basis on public authority contracts shall also be permitted. [Restoration and enhancement of Natural Heritage System functions adjacent to wetlands or marshy areas shall be encouraged through progressive and final rehabilitation.](#) The establishment of new campground and trailer parks ~~shall is also be~~ permitted as a rehabilitated use in accordance with [Section 3.2.76.](#) [The establishment of Commercial and Light Industrial uses in accordance with Section 3.2.5 is also permitted as a rehabilitated use along Warner Bay Road.](#)

### 3.8.2 Policies

- .1 The following policies shall be considered by the Municipality prior to adopting an amendment to the Comprehensive Zoning By-law.
- .2 Known aggregate resource areas are indicated on Schedule 'A' (Tobermory) to this Plan. It is the policy of the Municipality that the establishment of new operations and the expansion of existing extractive operations in this area shall not require an amendment to this Plan. Full public, agency and environmental review shall be provided through the rezoning process.
- .3 All rezoning proposals for extractive industrial operations shall be accompanied by a Class A or Class B license report and/or site plan as required for the licensing process.
- .4 In reviewing licensing and/or rezoning applications to expand existing operations, or in consideration of new operations, the Municipality shall ensure that provisions are made for:

- i) The protection and maintenance of both on site on and off site natural areas;
- ii) Screening, buffering or appropriate setbacks and site regulations to reduce the visual, noise and air quality impacts on the operation;
- iii) The protection of surface and ground water quality and the ~~protection~~ of potable water supply for other uses in the area.

### 3.9 Niagara Escarpment Policy Area

An overlay entitled Niagara Escarpment Plan Area is included on Schedules 'A' (Tobermory), and 'B' (Lion's Head) and 'C' (~~Ferndale~~) to this Plan. The intent of the overlay is to identify lands within the boundaries of the Niagara Escarpment Plan and to permit development in accordance with the Niagara Escarpment Plan and this Official Plan.

#### 3.9.1 Goal

- .1 To permit development in accordance with the land use policies of this Plan to the extent that such development complies with the Niagara Escarpment Plan.

#### 3.9.2 Actions

- .1 Permit and regulate the establishment of new uses and changes to existing uses that are consistent with the Official Plan and the Niagara Escarpment Plan through the Comprehensive Zoning By-law or through Niagara Escarpment Development Control, whichever is applicable.
- .2 Require circulation of all new development applications within the policy overlay area to the Niagara Escarpment Commission for its review.

#### 3.9.3 Policies

- .1 Lands within the Niagara Escarpment Plan Areas as illustrated on Schedules 'A' and, 'B' and 'C' are subject to the goals, objectives, policies, permitted uses and development criteria of the Niagara Escarpment Plan.
- .2 The Niagara Escarpment Plan contains land use policies and development criteria that determine where and how proposed development should occur in the Niagara Escarpment Area. The policies of the Niagara Escarpment Plan apply to all lands within its boundary and shall take precedence over the policies of the Official Plan except where the policies of the Official Plan are more restrictive and do not conflict the Niagara Escarpment Plan.

## 4 SECTION 4 – General Development

### 4.1 Environmental Review

As one of the greatest advantages that the Municipality has is its natural beauty and clean environment, it is the intention of Council that all new developments to proceed with the utmost respect for the environment. The natural environment is a system comprised of various elements, including core areas and linkages which connect these areas to each other. One of the major objectives of this Plan is to ensure that the natural environment heritage system is left intact for future generations to appreciate and enjoy.

#### 4.1.1 Policies

- .1 It is a policy of the Municipality to require all planning applications to be reviewed by Council and appropriate government agencies in order to ensure that development which has the potential to seriously impair the environment will not be permitted in the Municipality.
- .2 The environmental review of all development proposals shall assist in determining whether the development should be endorsed, and if so, what environmental safeguards shall be necessary.
- .3 Depending on the scale, intensity and type of development being proposed, a number of environmental studies, as determined by the Municipality, County or various government agencies, may be required prior to the Municipality making a decision on the development.
- ~~.4~~ Some natural features, such as ANSI and Provincially Significant Wetlands, Escarpment Natural Areas, some Locally Significant Wetlands and areas of Karst topography have been identified and are shown on the Schedules of this Plan through the Natural Features and Areas designation. Other features, such as significant ravines, valley, river and stream corridors, significant woodlands, significant portions of threatened and endangered species habitat, significant fish habitat and significant wildlife habitats have not been specifically identified.

Dynamic beaches are also considered to be significant natural features, yet may or may not be mapped. As more detailed mapping of these natural features becomes available, the appropriate Schedules will be updated to include this more detailed information.

- ~~.5~~ As more detailed mapping of these natural features becomes available, the appropriate Schedules will be updated to include this more detailed information. Areas owned by governments and conservation organizations for

conservation purposes are considered to form “core” areas of natural heritage system. Ongoing acquisitions will add to these core areas.

6.4 In the absence of mapping showing all the various components of the natural areasheritage system, this Plan will also rely on the constraint mapping from the County Bruce Official Plan to achieve much of the Municipality’s environmental goals and objectives.

7.5 For some environmentally sensitive areas new development may be permitted within and adjacent to them, provided it can be demonstrated that the development will not have an adverse or negative impact on the area. For other areas such as hazard lands, significant habitat of threatened and endangered species and provincially significant wetlands (PSW), new development and site alteration is not permitted. The Municipality may develop and adopt site plan control standards for lands adjacent to environmentally sensitive areas where requirements for approvals in order to avoid adverse or negative impacts are known and predictable.

6 In the review of site development proposals the proponent and/or review agencies may identify natural heritage features, which have not been incorporated in the Schedules to the Plan, and which may provide core functions in the natural heritage system. In these instances, the applicant must demonstrate protection of the natural heritage system, functions, and features.

The following subsections identify the issues to be considered and/or studied as part of the environmental review off all development proposals.

#### **4.1.2 Cold and Warm Water Streams**

- .1 No development shall be permitted within 30 metres of the banks of a cold water stream or 15 metres of a warm water stream. Landowners are encouraged to forest the area within 30 metres of any stream to maintain and improve fish habitat, ecological function of the stream and to increase natural connections.
- .2 Development on lands within setback will require the preparation of an Environmental Impact Study, by the proponent, prepared in accordance with the policies of Section 4.1.13 Environmental Impact Studies to ensure that the ecological features and functions of the lands are not negatively impacted by the proposed development.

#### **4.1.3 Drinking Water Source Protection**

- .1 The Province of Ontario has established the Drinking Water Source Protection (DWSP) program that is guided by the Clean Water Act, 2006. The purpose of this Act is to protect existing and future sources of drinking water. Under this program, it

is the responsibility of a Source Protection Committee to develop Assessment Reports and a Source Protection Plans for ~~a~~the Source Protection Region.

.2 This program is generally designed to protect Municipal Wellhead Protection Areas (WHPA), and Intake Protection Zones (IPZ), as well as Highly Vulnerable Aquifers (HVA) and Significant Groundwater Recharge Areas (SGRA). The Assessment Reports ~~will~~delineates these areas, determines their vulnerability, and identifyies and assesses threats to these areas. The Source Protection Plans ~~will~~includes policies to be followed by municipalities, landowners, and others, to address significant threats to these areas.

.3 Schedules 'F' and 'G' to the Official Plan identify Vulnerable Areas for each Municipal drinking water supply source, including an events based area related to the risks of potential fuel spills impacting the water supply intake for Lion's Head, which is located in Georgian Bay. Policies within the Source Protection Plan may apply to activities within these mapped Vulnerable Areas.

.4 Waste disposal sites shall not be permitted in Vulnerable areas. ~~New lots created either through severance or subdivision under the Planning Act shall only be permitted in Vulnerable Areas within Tobermory if the lots will be serviced by a municipal sewage system.~~

.5 New lots created in Tobermory either through severance or subdivision under the Planning Act shall only be permitted in Well Head Protection Area 'A' and 'B' if the lots will be serviced by a municipal sewage system ~~or where an on-site septic system could be located outside of the Wellhead Protection Area 'A' or 'B.'~~

~~.1~~ .6 Stormwater Management Facilities should be avoided within Vulnerable areas within Tobermory. If Stormwater management facilities are required within this Vulnerable Area, such facilities should be designed to minimize infiltration to groundwater from ponds, constructed wetlands, swales, and other similar components. Infiltration trenches, galleries, and other similar sub-surface components that allow for direct infiltration of collected stormwater to groundwater should not be employed.

~~.3~~ Once the Source Protection Plans have been completed (legislated deadline: Aug 2012) and approved, the Municipality will assist with the implementation of the Plan by incorporating the appropriate Source Protection Plan policies into the Official Plan.

#### 4.1.4 Areas of Natural or Scientific Interest (ANSI)

- .1 Those areas identified and judged by the Province of Ontario as Areas of Natural or Scientific Interest (ANSI) of Provincial significance are designated through the Natural Areas designation.
- .2 Development on lands located within the ANSI designation will require the preparation of an Environmental Impact Study, by the proponent, prepared in accordance with the policies of [Section 4.1.13](#) Environmental Impact Studies to ensure that the ecological features and functions of the lands are not negatively impacted by the proposed development.

#### 4.1.5 Locally Significant Wetlands

- ~~.5.1~~ Development on lands located within a locally significant wetland will require the preparation of an Environmental Impact Study, by the proponent, prepared in accordance with the policies of [Section 4.1.13](#) Environmental Impact Studies to ensure that the ecological features and functions of the lands are not negatively impacted by the proposed development.

#### 4.1.6 Provincially Significant Wetlands

- .1 Development except for infrastructure permitted by the Provincial Policy Statement shall not be permitted within Provincially Significant Wetlands.
- .2 Development may be permitted on adjacent lands (adjacent lands are those lands within 120 metres of an individual wetland area) only if it does not result in any of the following:
  - i) A loss of wetland function;
  - ii) Subsequent demand for future development, which will negatively impact on existing wetland functions;
  - iii) Conflict with existing site specific wetland management practices; and
  - ~~iv)~~ Loss of contiguous wetland areas (wetland Area is a single continuous wetland, which may be composed of one or more wetland types).
- ~~.3~~ [The Municipality of Northern Bruce Peninsula may adopt site plan control standards for development on lands adjacent to a PSW to the extent that the development and potential impacts are known and predictable and can be addressed through site plan control.](#)
- ~~.4~~ [The Municipality of Northern Bruce Peninsula may require that ~~the~~ the policies of ~~b\(.2\)~~ \[above\]\(#\) shall be addressed by preparation of an Environmental Impact Study, by the proponent, prepared in accordance with the policies of \[Section 4.1.13\]\(#\) Environmental](#)

Impact Studies to ensure that the ecological features and functions of the lands are not negatively impacted by the proposed development.

#### 4.1.7 Significant Woodlands

.1 Although significant wood lands have not been mapped in this Plan, the following policies shall apply to the protection of wood lands:

i) An Environmental Impact Study shall be required for developments that propose four or more lots in one development and/or that involve the removal of more than 1.0 ha of forest cover in a single proposal. In certain instances, where the Municipality may be concerned about cumulative losses to a significant wood land, an EIS may also be required.

ii) In some forest areas, protection of the significant woodland may not be compatible with best practices for managing risk to life and property in the event of a wildfire. Development is encouraged to locate outside of woodlands where wildfire risk is elevated.

iii) Where it cannot be demonstrated through the preparations of an Environmental Impact Study that the proposed development will not impact on the habitat/resource function of the wood land, the development shall be refused.

#### 4.1.8 Threatened and Endangered Species

.1 Detailed mapping showing the significant portions of the habitat for threatened and endangered species in the county is not included in the schedules of this Plan. Until such mapping becomes available and is incorporated in the Plan, these heritage resources shall require protection in accordance with the following policies where they are identified by the proponent and/or review agencies as being on or adjacent to a development proposal through individual review. The following policies apply to significant habitat of threatened and endangered species.

.2 When mapping does become available, it is the policy of Council to designate such areas in the Plan. It may be difficult to maintain up-to-date mapping showing significant habitat of endangered species and threatened species given that the listing of the species and their respective rankings change often. Reference should be made to the Ministry of Natural Resources official species at risk list, as updated and amended from time to time.

.3 Development except for infrastructure permitted by the Provincial Policy Statement shall not be permitted within significant portions of the habitat of threatened and endangered species.



- .4 Development and site alteration on adjacent lands (50 meters) will require the preparation of an Environmental Impact Study, by the proponent, prepared in accordance with the policies of [Section 4.1.13](#) Environmental Impact Studies to ensure that the ecological features and functions of the lands are not negatively impacted by the proposed development.

#### **4.1.9 Deer Wintering Areas**

- .1 Detailed mapping showing deer wintering areas in the Municipality is not included in the schedules of this Plan. The deer wintering areas are identified on a case-by-case basis.
- .2 In the interim, development or site alteration may be permitted within or adjacent (120 metres) to deer wintering areas only with the preparation of an Environmental Impact Study, by the proponent, prepared in accordance with the policies of [Section 4.1.13](#) Environmental Impact Studies to ensure that the ecological features and functions of the lands are not negatively impacted by the proposed development.

#### **4.1.10 Significant Wildlife Habitat**

- .1 Detailed mapping showing the significant wildlife habitat in the Municipality is not included in the schedules of this Plan. Until such mapping becomes available and is incorporated in the Plan, these heritage resources are identified on a case-by-case basis.
- .2 No development except for essential municipally owned infrastructure shall be permitted within areas of significant wildlife habitat provided no adverse environmental impact will result.
- .3 No development or site alteration may be permitted within 120 metres to significant wildlife habitat unless it has been demonstrated through an EIS, carried out by the proponent, prepared in accordance with the policies of [Section 4.1.13](#) Environmental Impact Studies that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

#### **4.1.11 Karst**

- .1 The Bruce-Grey Regional Groundwater Study identifies areas of karst topography. This mapping is at a regional scale and therefore all areas may not be adequately shown. The areas currently identified as karst are shown on Schedule A as an overlay. Development or site alteration in areas having karst topography shall not proceed in the absence of a detailed evaluation. The evaluation shall investigate the ~~potential threat of the proposed development or site alteration on groundwater~~

resources and shall be completed by an individual who specializes in karst topography.

- .2 Development shall be prohibited unless it can be shown that these threats can be overcome through mitigation ~~resources~~.

#### **4.1.12 Great Lakes Shoreline Flood Plain**

- .1 The limits of the Great Lakes shoreline flood plain shall be defined based on the Regulatory Lake Flood Standard which is equal to the 100 year lake flood level plus a setback allowance for wave uprush. In the absence of surveyed contour mapping and site specific wave uprush calculations a 15 m setback from the established 100 year flood line / hazard designation shall be the setback allowance for wave uprush and other related water hazards.
- .2 New development may be permitted on existing vacant lots of record that are within the regulatory flood standard provided that such development will not create or aggravate flooding or erosion problems on adjacent properties; and, the new structure must be adequately flood-proofed to the regulatory flood-proofing level.
- .3 Additions to non-compatible structures located within the 100-year lake flood limit shall not be permitted.
- .4 Additions to structures located within the wave uprush setback may be permitted provided adequate flood-proofing measures are incorporated into the design of the addition.
- .5 Permanently open, non-enclosed additions that do not require a foundation, such as decks or verandas, may be permitted provided they do not obstruct flow.
- .6 The 100 year flood limit and required setbacks shall be implemented through the Comprehensive Zoning By-law.

#### **4.1.13 Requirements for Environmental Impact Studies**

- .1 In order to achieve objectives for the protection of the natural environment, development proponents shall be required to prepare an EIS for any proposal that is:
  - i) In, or within 120 metres of, a provincially significant wetland;
  - ii) In, or within 60 metres of, a locally significant wetland;
  - iii) In, or within 120 metres of, the habitat of threatened or endangered species;
  - iv) In, or within, 120 metres of, a significant woodland, significant valleyland, significant wildlife habitat, deer wintering areas;

- v) In, or within 120 metres of, fish habitat;
- vi) Within the '100 Metre Buffer Zone' or '2 Year Time of Travel (WHPA-B) for Wellhead Protection Areas or within a 'Intake Protection Zone 1 (IPZ-1)' or 'Intake Protection Zone 2 (IPZ-2)' for Intake Protection Zones;
- vii) Within known areas of karst topography;
- viii) In, or within 50 metres of Areas of Natural and Scientific Interest (ANSI) Earth Science.

Regardless if any of the above appear on Schedules of this Plan or are identified by the proponent and/or review agencies.

- .2 The EIS shall be prepared prior to any development approvals and any site alteration (except as may be necessary for the preparation of pre-development studies or surveys) or development. In considering the loss of functions or features, particularly with regard to wetlands and fish habitat, the proponent is also advised to consult with the First Nations to determine potential impacts on resource, utilization, aboriginal interests, and other cultural values.
- .3 The proponent is encouraged to consult early in the application process with the Municipality and other appropriate agencies regarding the specific EIS requirements.
- .4 Should review of the EIS determine that the natural features or functions cannot be protected development will not be approved.
- .5 An EIS shall be carried out as follows:
  - i) Be completed by a qualified professional;
  - ii) The study shall consist of:
    - a. A description of the purpose of the undertaking, the duration of impacts to the site, as well as the possible effects of the proposed undertaking;
    - b. A description and statement of the rationale for:
      - 1) The undertaking;
      - 2) The alternative methods of carrying out the undertaking; and,
      - 3) The alternatives to the undertaking.
    - c. A description of:
      - 1) The environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;

- 2) The effects that will be caused or that might reasonably be expected to be caused to the environment, [including cumulative impacts to the natural heritage system](#); and
  - 3) The actions that are necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects or the effects that might reasonably be expected upon the environment by the undertaking.
- d. An evaluation of the undertaking's advantages and disadvantages.
  - e. The cost for preparing an EIS shall be the responsibility of the proponent.
- .6 It is the policy of Council to involve the affected Conservation Authority and the Province whenever an EIS is required.
- .7 The Municipality may allow for the waiving of the requirement for the preparation of an EIS when:
- 1) a development is subject to a duplicate or similar environmental assessment process; or
  - [2\)](#) a development is minor in nature; or
  - [2\)3\)](#) ~~e)~~ the site conditions for a development are such that the preparation of an EIS would serve no useful purpose for the protection of the significant environmental features.

The Municipality may seek outside independent advice as to whether the proposed development is minor OR advice as to whether an EIS would serve any useful purpose.

## 4.2 Municipal Water And Sewage Services

The success of the Tobermory, Lion's Head and Ferndale as service centres depends on the Municipality's ability to provide affordable and relevant water and sewage services over the long term to all residents and sectors of the Municipality. Services must be provided in a context of decreasing provincial revenues and an increasing demand for a better level of services.

Supplying Municipal water and sewage services has many advantages such as:

- A safe supply of drinking water
- An Environmentally safe way of treating sewage
- Protection of groundwater resources
- An opportunity to create smaller lots, as on-site services do not need to be accommodated
- Increased ability to attract commercial, industrial, and institutional facilities
- Reduced insurance rates
- Increase property values
- Improved public safety
- Maintaining and enhancing public facilities such as schools and medical facilities

Portions of downtown Tobermory are currently serviced only by the municipal sewage system, with expansion being highly restrained by costs and the bedrock topography. The remainder of the Tobermory community is currently serviced by individual on-site sewage and water services. Lion's Head is only serviced by municipal water services with individual on-site sewage systems and Ferndale is serviced by individual on-site sewage and water services.

### 4.2.1 Goals

- .1 Provide a full range of affordable, municipal water and sewage services to meet the needs of the community.

### 4.2.2 Actions

- .1 To continue with efforts to provide Municipal water and sanitary sewers throughout Tobermory, Lion's Head and Ferndale in a phased and planned approach.
- .2 To implement a hierarchy of water and sewage servicing that is consistent with the Provincial Policy Statement, [2005-2014](#) (as amended).
- .3 Ensure through the approval and regulatory process that all development that takes place on individual on-site sewage services and/or individual on-site water services

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does not have a detrimental effect on ground water resources, Lake Huron or the environment in general.

#### **4.2.3 Water and Wastewater Servicing Hierarchy**

- .1 Municipal sewage services and municipal water services are the preferred form of servicing as per Section 4.2.3.1.
- .2 Where municipal sewage service and/or municipal water service is not available, feasible or economical, the use of *private communal sewage services* and/or *private communal water services* shall be investigated as per Section 4.2.3.2.
- .3 Where *private communal sewage services* and/or *private communal water services* are not applicable to the scale and type of development, the use of *individual on-site sewage services* and *individual on-site water services* shall be investigated as per Section 4.2.3.3.
- .4 *Partial services* shall only be permitted in accordance with the policies of Section 4.2.3.4.

##### **4.2.3.1 Full Municipal Services**

- .1 Full municipal water and sewage services are the preferred form of servicing. In areas serviced by full municipal sewage and water services development will be permitted only if sufficient reserve water and sewage plant capacity will be available to accommodate the development, and other approved development.
- .2 None of the three settlement areas covered by this Plan are currently serviced with full municipal services. This Plan recognizes that full municipal services in all settlement areas within the Municipality are not realistic due to physical and economic constraints. As such, this Plan provides for development on other forms of service where full municipal services are not available.
- .3 However this Plan recognizes that full municipal services in all settlement areas within the Municipality are not realistic due to physical and economic constraints. As such, this Plan provides for development on other forms of service where full municipal services are not currently available.

##### **4.2.3.2 Communal Services**

- .1 Where the provision of municipal sewage service and/or municipal water service is:
  - a) Not feasible from an engineering/capacity perspective, **or**
  - b) Not economical, whereby the potential cost of utilizing/expanding the municipal sewage service and/or municipal water service would be greater than the cost of a communal system(s),

the use of *private communal sewage services* and/or *private communal water services* shall be investigated for all development, redevelopment or applications that:

- i) Have, or have the potential for, five or more residential lots; or
  - ii) Have five or more residential dwelling units proposed.
- .2 All applications requiring the use a *private communal sewage services* and/or *private communal water services* shall submit the following studies as per [Section 4.2.7](#):
- i) Servicing Options Statement;
  - ii) Hydrogeological & Terrain Analysis Report and Assimilation Study for new communal systems;
  - iii) Reserve Capacity Statement for an existing communal system.

#### 4.2.3.3 Individual On-Site Sewage and/or Water Services

- .1 Individual on-site sewage services and individual on-site water services may be [permitted](#) when Full Municipal Services as per Section 4.2.3.1 **or** Communal Services as per Section 4.2.3.2 are not feasible or economical.
- .2 Where development is proposed via individual on-site sewage and water services, a Nitrate Study, Hydrogeological & Terrain Analysis Report or other such Report or Study, may be required at the discretion of the approval authority.

.2.3 [The Municipality may outline requirements for advanced individual onsite sewage treatment systems through the comprehensive Zoning By-law where warranted by site conditions, lot area, and intensity of use.](#)

#### 4.2.3.4 Partial Services

- .1 Partial services area defined as one municipal or communal service and one private service.
- .2 *Partial services* shall only be permitted in the following circumstances:
- a) Where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; and
  - b) To allow for infilling and rounding out of existing development on *partial services* provided that:
    - i) The development is within the *reserve sewage system capacity* and *reserve water system capacity*; and
    - ii) Site conditions are suitable for the long-term provision of such services.

.3 Partial services are generally discouraged, but may be used in the interim until full or communal services become available.

.4 Where only Municipal water services are available The Municipality may outline requirements for advanced individual onsite sewage treatment systems through the comprehensive Zoning By-law where warranted by site conditions, lot area, and intensity of use.

#### 4.2.4 New Lots

~~.1~~ All new lots, proposed to be serviced by individual on-site sewage service, shall have a minimum lot area of no less than 4047 square metres (1.0 acres).

.1 Applications for lot creation based on individual on-site sewage and water service and with a proposed lot area of less than 4047 square metres (1.0 acres) per lot shall submit a Nitrate Study as per [Section 4.2.7](#).

~~.2~~ The Municipality has undertaken a general nitrate study for the Lion's Head Settlement area which may be considered by the approval authority to meet the requirement for a Nitrate Study in this area.

.3.2 A Hydrogeological & Terrain Analysis Report and/or Lot Servicing Plan as per [Section 4.2.7](#) shall be submitted at the discretion of the approval authority.

~~.4~~ New lots created by consent or other planning approvals, and proposed to be serviced by an individual on-site sewage service shall be zoned so as to require the building envelope for the primary building/structure to be located in close proximity to the geographic centre of the new lot. The location of the building envelope for the primary building may take into consideration environmental and physical constraints present on the new lot.

#### 4.2.5 Existing Lot of Record (Vacant and Developed)

.1 An existing lot of record may be developed provided adequate water supply and sanitary sewage disposal can be provided.

.2 To avoid long-term negative impacts and support municipal infrastructure, development shall be required to connect to Municipal services where available, and strongly encouraged to do so where such a connection can be achieved for less than double the cost of the equivalent on-site service.

.3 Connections to Municipal services shall be contingent on availability of both pipe and treatment capacity.



4 The Municipality may outline requirements for advanced individual onsite sewage treatment systems through the comprehensive Zoning By-law where warranted by site conditions, lot area, and intensity of use.

.5 Development on private services is encouraged to consider the opportunity to connect to Municipal services should they become available in the future

.6 The Zoning By-law may require increased yard setbacks on one side to facilitate future severances where Municipal services may come available in future.

~~.1 The Comprehensive Zoning By-law shall place all vacant lots of record in a zone that prohibits all development or alternatively the Comprehensive Zoning By-law may place a 'H-Holding' as per Section 36 of the Planning Act R.S.O. 1990 as amended, on all vacant lots of record. A 'H-Holding' provision may only removed, or a zoning amendment passed that permits development, once all of the requirements of Section 4.2 for water and sewage servicing have been met.~~

~~A Comprehensive Zoning By-law Amendment(s) or application under Section 45 of the Planning Act R.S.O. 1990 (as amended) that propose(s) a new Permitted Use or expansion/change/addition to an existing Permitted Use(s) shall submit a Nitrate Study as per Section 4.2.7 when the lot of record is:~~

~~less than 4047 square metres (1.0 acres) in total lot area; and~~

~~serviced by an individual on-site sewage service.~~

~~A Hydrogeological & Terrain Analysis Report and/or Lot Servicing Plan as per Section 4.2.7 shall be submitted at the discretion of the approval authority~~

#### **4.2.6 Major New Development**

.1 A major new development/redevelopment in the 'Commercial' and/or 'Light Industrial' designation that proposes to generate a significant amount of "non-domestic waste" or use a significant amount of water will only be permitted if the development/redevelopment is serviced by municipal water and sewage services, unless the applicant has prepared a Servicing Options Statement and Hydrogeological & Terrain Analysis as per [Section 4.2.7](#) that demonstrates that the new development/redevelopment can be adequately serviced by communal, private or partial services.

.2 A Servicing Options Statement as per [Section 4.2.7](#) shall be submitted with any application for the following:

i) A severance/consent application on lands that have the potential for five or more residential lots;

- ii) Development proposals that have the potential to generate significant quantities of wastewater, use significant quantities of groundwater or generate non-domestic waste;
  - iii) Any application for a subdivision, condominium, marina, resort or other major developments.
- .3 Those uses producing large amounts of wastewater are encouraged to connect to the municipal sewage system in Tobermory.
- .4 Depending on the situation other supporting studies as outlined in [Section 4.2.7](#) may also be requested at the discretion of the Municipality of Northern Bruce Peninsula.

## 4.2.7 Servicing Reports, Studies, Plans and Statements

### .1 Servicing Options Statement

- i) A Servicing Options Statement must demonstrate that the potential for servicing a development on full municipal services and communal sewage and water services has been investigated. A Servicing Options Statement shall at a minimum address the matters as prescribed in Procedure D-5-3 Servicing Options Statement of the Ministry of Environment including the carrying capacity of the natural environment.
- ii) The Servicing Options Statement shall also develop, and evaluate, alternative development scenarios i.e., different lot densities including clustering principles and different housing types including multiple residential units, that result in the cost per unit and/or lot for communal and/or municipal services being cost competitive to the cost per unit and/or lot for private or partial services.
- iii) ~~e)~~ The Servicing Options Statement shall be completed to the satisfaction of the Municipality and the appropriate approval authority.

### .2 Nitrate Study

A Nitrate Study shall at a minimum address the matters as prescribed in Procedure D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment of the Ministry of Environment. The Municipality requires applicants to apply this Procedure to development proposals regardless of the number of proposed lots. No development proposal shall result in a nitrate concentration at each new property boundary serviced by an onsite drinking water system of more than 10mg/l of nitrate. No development proposal serviced by municipal or communal drinking water shall result in a nitrate concentration greater than 10 mg/L at the boundary of the development lands which may include a defined contamination attenuation zone. The Nitrate Study shall be completed to the satisfaction of the Municipality and the appropriate approval authority and shall not make assumptions based on use of advanced sewage disposal systems to achieve the 10mg/L concentration.

### .3 Reserve Capacity Statement

A Reserve Capacity Statement indicates that there is sufficient reserve capacity in a municipal or communal sewage and/or water treatment system to supply a proposed development. A Reserve Capacity Statement may be obtained from the operator of the municipal or communal sewage and/or water treatment system to which the proposed development is to receive service.

### .4 Hydrogeological & Terrain Analysis Report

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- i) A Hydrogeological & Terrain Analysis Report shall assess the suitability of a site for the proposed method of water service and sewage service, investigate potential impacts upon the availability, quality and quantity of groundwater and determine the form and density of development appropriate to the site.
- ii) A Hydrogeological and Terrain Analysis Report must thoroughly demonstrate that the site can support the proposed development. Evidence must be provided which ensures sufficient quantity and quality of groundwater exists on the site and the operation of on-site sewage disposal systems will not adversely impact on wells to be constructed on the proposed lot(s) and on neighbouring properties.
- iii) The Hydrogeological & Terrain Analysis Report shall be completed to the satisfaction of the Municipality and the appropriate approval authority.

#### .5 Lot Servicing Plan

A Lot Servicing Plan indicates the proposed location of all structures, wells, drainage routes, and sewage system envelopes (including a 100 percent replacement bed area). The Lot Servicing Plan shall be completed to the satisfaction of the Municipality and the appropriate approval authority.

#### .6 Assimilation Study

An Assimilation Study reviews the assimilative capacity of the groundwater or natural water system to receive proposed wastewater discharges. The Assimilation Study shall be completed to the satisfaction of the Municipality and the appropriate approval authority.

### 4.2.8 Settlement Capacity Study

This Plan requires all development in the settlement areas of Tobermory, Lion's Head and Ferndale to conform to the hierarchy of water and sewage services as outlined in [Section 4.2](#). A Settlement Capacity Study may be undertaken by the Municipality to simplify the servicing hierarchy. A Settlement Capacity Study shall address, at a minimum, the following:

- .1 An assessment of the appropriate type and level of servicing necessary to support future growth and development including financing, phasing and administrative requirements;
- .2 An analysis of the hydrology and hydrogeology to determine the capability of surface and ground water resources to provide sufficient quantity and quality of water supply and to accept sewage effluent;
- .3 Where subsurface sewage treatment and disposal is proposed, an assessment of the long term suitability of the soil conditions;

~~.4 An identification of existing or potential restrictions to future growth and development;~~  
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- .5 An assessment of the potential impact of new growth and development upon the natural environment; and,
- .6 An assessment of the economic feasibility of the proposed servicing.

The Municipality shall consult with the County of Bruce prior to undertaking a Settlement Capacity Study.

#### **4.2.9 Exceptions**

- .1 On lands designated 'Downtown/Harbour Commercial' an expansion to an existing commercial use that is proposed to be serviced by a individual on-site sewage service(s) shall be permitted, provided all engineering requirements regarding individual on-site sewage service(s) are met. A Nitrate Study and a Hydrogeological & Terrain Analysis Report in accordance with [Section 4.2.7](#) shall be prepared by a qualified professional and shall be reviewed by the Municipality and other appropriate agencies. The Reports must indicate that any proposed expansion(s) can be safely accommodated by an individual on-site sewage service(s).
- .2 Lands designated 'Campgrounds and Travel Trailer Parks' shall only be serviced by [municipal services or a](#) private communal sewage and private communal water services designed by a qualified professional.
- .3 On lands designated 'Recreational Commercial' the Permitted Uses shall not require a large volume of water and/or create large volumes of waste water. The method of servicing for 'Recreational Commercial' uses shall be determined on an individual basis and shall be assessed by the appropriate approval authority based upon the type and volume of waste produced.
- .4 On lands designated 'Commercial' or 'Light Industrial' where no municipal sewage service is available, new 'Commercial' or 'Light Industrial' uses shall be limited in the Comprehensive Zoning By-law to those that generate only "domestic waste" (herein defined as: human and/or food effluent only).
- .5 When a "non-domestic waste" generator is proposed, the following conditions must be satisfied at the time of re-zoning:
  - a) The development is infilling, or development of existing lots of record;
  - b) The use(s) are limited to those that would not normally require large volumes of water or generate large volumes of waste water;
  - c) The proposed servicing system complies with the standards of the appropriate approval authority.

Where there is no municipal sewage service, new “non-domestic waste” generators or uses which use large volumes of water or generate large volumes of waste water shall only be permitted after a Servicing Options Statement has been completed by the Municipality in accordance with [Section 4.2.7](#) of this Plan.

- .6 In the Hamlet Community of Ferndale, applications proposing to use Individual On-Site Sewage and/or Water Services as per [Section 4.2.3.3](#), shall be limited to no more than five lots or residential units per development application.

Applications for development may be required to provide a Hydrogeological & Terrain Analysis Report and/or Assimilation Study and/or Lot Servicing Plan as per [Section 4.2.7](#) at the discretion of the Municipality of Northern Bruce Peninsula.

Developments that propose to generate non-domestic waste are not permitted.

### 4.3 Community Improvement

Community improvement may be generally defined as all those activities, both public and private, that maintain, rehabilitate and redevelop the existing physical environment to support community health, environmental, social and economic priorities.

Community Improvement projects may be municipally driven or incentive based programs.

Community Improvement Plans improve the quality of life and the built environment in an area. Community Improvement Project Areas may be established by Council and designated by [By-law](#), in accordance with the provisions of the Planning Act.

#### 4.3.1 Community Improvement Goal

- .1 To improve facilities and infrastructure in the Municipality's three urban areas that contributes to community health, environmental, social and economic priorities and needs of the Community.

#### 4.3.2 Community Improvement Objectives

- .1 To improve the physical appearance and economic health of the downtown commercial areas and provide connections to the waterfronts of the Municipality while elevating the status of these areas as destinations and promoting their unique community identity.
- .2 To encourage development and redevelopment on private and/or public lands to improve the appearance and functionality of the downtown commercial areas, waterfront areas and recreational areas/facilities of the Municipality.
- .3 To improve and enhance the recreational facilities/opportunities within the Municipality by creating communities that are attractive, pedestrian-friendly, and distinctive as guided by the Municipality's Master Recreation Plan.
- .4 To ensure a built environment that supports and encourages active transportation while reducing automobile dependency and implement measures that ensure it is accessible to all.
- .5 To promote the improvement of energy efficiency and other environmental standards for residential, commercial, industrial, public, recreational, institutional and other uses within the designated community improvement project areas.

#### 4.3.3 Criteria for Selection of Community Improvement Project Areas

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

- a) Any area which is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

#### **4.3.4 Community Improvement Project Area**

- .1 The boundaries of the Community Improvement Project Area are to be established through the Community Improvement Plan. It is the Official Plan's intent that community improvement projects be undertaken in identified areas as needed, whenever funds are available, provided Council is satisfied that the municipality can reasonably finance and afford the cost or its share of the cost.

#### **4.3.5 Implementation Guidelines**

In order to carry out the Community Improvement Goals and Actions of this Plan, the Municipality may:

- a) Provide for the preparation of a "Community Improvement Plan" for a Community Improvement Project Area pursuant to Section 28(4) of the Planning Act, R.S.O. 1990, as amended.
- b) Designate by By-law the Community Improvement Project Area pursuant to Section 28(2) of the Planning Act, R.S.O. 1990, as amended.
- c) Participate and coordinate in grants or loans with other levels of government pursuant to Section 28(7.2) of the Planning Act, R.S.O. 1990 for the purpose of carrying out a community improvement plan. The County of Bruce Official Plan Section 6.13 encourages local municipalities to prepare Community Improvement Plans where appropriate.

#### **4.3.6 Phasing**

In considering the phasing of improvements, priority will be given to those projects that will most substantially increase the safety, stability and aesthetic quality of the community. It is the intention of this policy that Community Improvement priorities be subject to review as a result of changes in economic, social or environmental considerations, and the availability of funding.



## 4.4 Transportation

The Municipality's primary access is from Provincial Highway No. 6 from the south. A ferry connecting Tobermory with Manitoulin Island provides a second primary access during the non-winter months. The harbours in Tobermory and Lion's Head provide excellent boat access for recreational vessels and tour boat operators. The Municipal Airport is located in Tobermory, and Tobermory is the starting point for the Bruce Trail system. To a large extent, the economic well being of the Municipality is reliant upon the continual upkeep of the transportation systems.

### 4.4.1 Goal

- .1 Promote an efficient and safe transportation system that serves the needs of the local residents as well as tourism and business traffic.

### 4.4.2 Actions

- .1 Promote an improved system of local roads that provide for the safe and efficient movement of local and through traffic.
- .2 Promote the establishment of bicycle and pedestrian routes between parks, the downtowns, the Bruce trail, community facilities and residential areas.
- .3 Promote the continual maintenance of a high quality provincial highway and the establishment of bicycle lanes along Provincial Highway No. 6.
- .4 Support, through Municipal funding and policies the continual upkeep and improvements to the Municipal Airport and the Lion's Head and Tobermory harbours.

### 4.4.3 Road Classification

- .1 Roads in the Plan area shall be classified into the following categories:  
Arterial Roads are designed to handle high volumes of traffic within or through Municipality. Right-of-way width is 30 metres (100 feet).  
Local Roads are designed to handle predominantly local traffic at low operating speeds on two traffic lanes. Local roads shall generally have a minimum right-of-way width of 20 metres or less.

### 4.4.4 General Road

- .1 No new development and/or redevelopment shall be permitted unless such lands are accessible by an open public road that is of an acceptable standard of construction to accommodate the traffic to be generated by the new development.

- .2 The Municipality may require, as a condition of approval of any new development or redevelopment, that sufficient lands be conveyed to the Municipality to provide for a road right-of-way width in accordance with the road classification identified on Schedules 'A' 'B' and 'C', Land Use and Roads Plan and as defined in [Section 4.4.3 Road Classification](#).
- .3 The Municipality shall not assume or dedicate any roads that do not meet the minimum acceptable standards of the Municipality.
- ~~.4~~ Road widening shall take place in conformity with the standards outlined in [Section 4.4.3 Road Classification](#), where deemed necessary by the Municipality. Privately owned land required for road allowance widening may be acquired by the appropriate road authority through purchase or dedication as a condition of subdivision, severance, or site plan approval or other appropriate means.

## 4.5 Heritage Conservation

The Municipality of Northern Bruce Peninsula contains heritage resources that reflect the prehistoric and marine heritage of the community.

### 4.5.1 Goal

- .1 Ensure the Municipality's heritage resources are documented and conserved in a responsible manner. Heritage resources include archaeological sites; buildings and structural remains of historical, architectural and contextual value; and cultural and heritage landscaped of historic and scenic interests.

## 5 SECTION 5 - IMPLEMENTATION

### 5.1 Purpose Of The Implementation Section

- .1 The purpose of this section is to explain how the policies of the Official Plan for Tobermory, Lion's Head and Ferndale shall be put in place. The Implementation section lists the regulatory measures that the Municipality has at its disposal to manage growth and development.
- .2 This Section is a guide to those for those who propose developments within the Plan Area.

### 5.2 Public Consultation And A Fair And Timely Process

- .1 The Official Plan attempts to clarify the planning direction and policies for those who become involved in the planning process in the Municipality. To this extent, this Section outlines the planning process and how to have meaningful input into the process.
- .2 It is the policy of the Municipality that all development applications are dealt with in a fair and expedient manner without undue time delays.
- .3 Applications under the *Planning Act* which are outlined below will be processed in accordance with the requirements of the *Act*, including posted, newspaper, and mail or email notice, as applicable. Applicants are however, encouraged to undertake additional efforts to obtain the views of the public and to address these views to the extent possible in their development proposal.

### 5.25.3 How To Amend The Official Plan

- .1 Circumstances may arise where an individual proposes a development that does not conform to the policies of this Official Plan. In order to proceed with a development, the individual must submit an application to amend the Official Plan. The Municipality shall give fair consideration to all Official Plan Amendments and notify the general public and government agencies of the proposed amendment, in accordance with the requirements of the Planning Act.
- .2 The submission of an Official Plan Amendment to the Municipality shall be accompanied by a detailed site plan of the proposed development and a planning report that addresses the following questions:
  - i) Is this amendment in keeping with the Vision, Goals and Actions of the Plan?
  - ii) If the amendment does not further the Goals and Actions, have circumstances changed to make the Goals and Actions invalid in relation to the proposal development?

- iii) Is the amendment in keeping with Provincial and County policy?
- iv) Is there a demonstrated need for the proposed development?
- v) Can the lands affected be adequately serviced to accommodate the proposed development? What improvements shall be required to properly service the land?
- vi) What impacts will the proposed development have on surrounding land uses, traffic movements, servicing, and natural environment. How can these impacts be eliminated or minimized?

#### **5.35.4 The Comprehensive Zoning By-Law**

- .1 The Municipality of Northern Bruce Peninsula's Comprehensive Zoning By-law is the major tool available to implement the policies of this Official Plan. The Comprehensive Zoning By-law covers the entire Municipality and sets out detailed regulations implementing the broader policies of this Plan.
- .2 Note that Development Control is in effect in some areas covered by the Niagara Escarpment Plan and therefore development permits from the Niagara Escarpment Commission are required for new development.
- .3 It is the policy of the Municipality to amend the Comprehensive Zoning By-law to bring it into compliance with this Official Plan.
- .4 It is the policy of the Municipality to refuse amendments to the Comprehensive Zoning By-law which do not conform to this Official Plan.
- .5 It is the policy of the Municipality to adopt an "overlay" approach to building height, in order to create a "tiered" effect around the harbour in Lion's Head and Tobermory.
- .6 Existing legal non-conforming land uses may be placed in zones that do not correspond with the Land Use Designation of the Plan. The Comprehensive Zoning By-law may recognize existing uses, provided the following criteria are met:
  - i) The zone does not permit significant negative changes in the use of the property or impacts on adjacent uses.
  - ii) The recognition of the legal non-conforming use does not represent a danger to surrounding uses and/or persons.
  - iii) The legal non-conforming use does not interfere with the desirable development or enjoyment of the adjacent area.

### 5.45.5 Holding Provisions

- .1 Through the Comprehensive Zoning By-law, the Municipality may see fit to pre-zone property for development. In such cases, the Municipality may place a Holding symbol on the zone which prevents any development from taking place until the Municipality is satisfied that certain technical conditions have been met.
- .2 The Municipality may use the Holding symbol where:
  - i) the owner/developer is required to enter into a Site Plan Control or Subdivider's Agreement to the satisfaction of the Municipality, but has not yet done so;
  - ii) the owner/developer is required to make satisfactory arrangements for the installation of sanitary or storm sewer, water and road services, but has not yet done so;
  - iii) the owner/developer is still seeking final approval for a plan of subdivision or condominium from the County, and/or the owner has not yet met all the conditions for having the lots or units ready for release;
  - iv) the owner/developer is required to make satisfactory arrangements for parking, including a cash-in-lieu of parking, but has not yet done so;
  - v) the owner/developer has not yet demonstrated that the development and/or redevelopment is in accordance with the "Streetscape Guidelines" adopted by the Municipality.
  - vi) the owner/developer has not yet demonstrated that the development and/or redevelopment within commercial and industrial lands is in accordance with the design and site criteria established by the Municipality.
  - vii) where development is proposed on an individual or communal water supply and subsurface sewage treatment systems, the owner has not yet provided sufficient information regarding the suitability of soils (percolation rates, soil depth and type), ground water impacts (nitrate loading, elevation of water table, karstic situations), surface water impacts (particularly where raised weeping beds are required), and the cumulative impacts.
- .3 When lands are placed under the Holding Symbol, the use of the lands and buildings shall be limited to those that existed prior to the Holding Symbol being placed on the property. In some circumstances, the Municipality may allow additions or alterations to existing uses.
- .4 The Municipality shall pass a By-law removing the Holding Symbol from the property once they are satisfied that conditions are met and/or agreements entered into which ensure for the orderly development of the lands.

- .5 The use of a Holding Symbol is seen as an effective tool in the streamlining of the approval process. Following a notice to the affected landowner, the Municipality simply has to pass a [by-law](#) to remove the Holding Symbol once they are satisfied that the conditions have been met. There is no appeal period with such [by-law](#)s, thereby allowing development to proceed quickly once the conditions have been met.

#### **5.55.6 Minor Variances To The Comprehensive Zoning By-Law**

- .1 In certain instances, a proposal to construct a new structure or expand an existing structure may not be able to meet one or more of the provisions of the Comprehensive Zoning By-law (e.g., an addition to a house cannot meet the side yard requirements). In such cases, the individual may request the Committee of Adjustment to grant a "minor variance" from one or more of the requirements of the Zoning By-law in order to permit the development to proceed.
- .2 The Committee of Adjustment may consider granting a minor variance to a proposed development that cannot reasonably meet one or more of the provisions of the Zoning By-law provided the development meets sound planning principles.
- .3 Prior to considering a minor variance application, the Committee of Adjustment may require the applicant to demonstrate that the development is:
  - i) in keeping with the general intent and purpose of the Comprehensive Zoning By-law;
  - ii) in keeping with the general intent and purpose intent of the Official Plan;
  - iii) an appropriate and desirable use of land; and,
  - iv) minor in nature.
- .4 If a minor variance application is approved, the Committee of Adjustment may impose conditions that shall ensure that the development has minimal impact on surrounding uses and satisfies reasonable planning criteria.
- .5 The Chief Building Official for the Municipality shall be satisfied that all the conditions of the minor variance are met prior to the issuance of a building permit.

#### **5.65.7 Legal Non-Conforming Uses**

- .1 Certain uses, which legally existed prior to the passage of the Comprehensive By-law, but are not permitted in the new Zoning By-law, are referred to as "legal non-conforming".

- .2 Legal non-conforming uses are allowed to continue to exist, provided no alterations, expansions or changes of use are made. All alterations, expansions or changes in use require approval by the Committee of Adjustment.
- .3 It is the policy of the Municipality that legal non-conforming uses should cease to exist in the long run. Additions, expansions or changes in use, which do not meet the requirements of the Comprehensive Zoning By-law, should be discouraged.
- .4 The Municipality recognizes that circumstances may exist where changes to legal non-conforming uses may be desirable given their economic, cultural, social or historical importance to the community. In such cases, the Committee of Adjustment may grant permission for an addition, expansion or change in use.
- .5 A change in use of a legal non-conforming use to a use which is still not in compliance with the Comprehensive Zoning By-law, but which is more compatible than the existing use, may be permitted by the Committee of Adjustment.
- .6 The Committee of Adjustment shall use the following criteria to assess such proposals. Failure to meet one or more of these criteria may provide grounds for refusal of the application by the Committee of Adjustment.
  - i) The proposed addition, expansion or change of use shall have minimal impact on the surrounding built environments in terms of projected levels of noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation.
  - ii) The proposed addition, expansion or change of use shall include the protection of surrounding uses through the provision of landscaping, buffering, or screening, appropriate setbacks for buildings and structures, or other measures which improve compatibility with the surrounding area.
  - iii) The traffic and parking conditions shall not be adversely affected by the proposed addition, expansion or change of use - appropriately designed ingress and egress points to and from the site and improvements to sight conditions shall be considered in order to promote maximum safety for pedestrian and vehicular traffic.
- .7 The site includes the adequate provision of off-street parking, loading and unloading facilities.
- .8 The development is provided with applicable municipal services such as storm drainage, water supply, sanitary sewers and roads, which are available or can be made available through the conditions of approval.
- .9 The Committee of Adjustment may place conditions on the approval for the addition, expansion or change in use of non-conforming uses. These conditions may include,



but are not limited to, application of Site Plan Control, cash-in-lieu of parking, the installation of services and bonding.

#### **5.75.8 Legal Non-Complying Uses**

- .1 Situations may exist where the present use of a parcel of land is permitted in the zone in which it is located, but the buildings located on the property do not meet one or more of the provisions of the zone (e.g., a house located too close to the lot line). These situations are known as legal non-complying uses.
- .2 It is the policy of the Municipality to permit the expansion, alteration and addition of non-complying uses, without Committee of Adjustment approval, provided that:
- .3 the expansion, alteration or addition does not further aggravate the existing non-compliance of the use; and,
- .4 the expansion, alteration or addition does not create another non-compliance with the By-law.

#### **5.85.9 Interim Control By-Laws**

- .1 The Municipality has the authority to place a freeze on the development lands, as permitted under the Comprehensive Zoning By-law, where they have serious concerns with allowing development to continue. For example, serious environmental problems may come to the attention of the Municipality that could result in the development of certain areas within the Plan area being hazardous to life or property.
- .2 In such case, the Municipality may put a hold on development permitted under the Comprehensive [Zoning](#) By-law, for a maximum period of two years through an "Interim Control" By-law." The initial Interim Control By-law can be in effect for a one-year period, with a one-year extension if required.
- .3 This freeze in development allows the Municipality to undertake a thorough review of its policies and take the necessary action to address the problem.
- .4 It is the policy of the Municipality to use Interim Control in circumstances where an immediate policy review of specific issues is required.
- .5—Before placing lands under Interim Control, the Municipality shall direct a study of the issues associated with the lands forthwith and bring forward the necessary corrective action.

### **5.95.10 Cash-In-Lieu Of Parking Requirements**

- .1 The Comprehensive Zoning By-law contains provisions prescribing a minimum number of parking spaces for specific land uses. In some circumstances, a development proposal is unable to accommodate the required number of parking spaces.
- .2 If a development is unable to provide enough parking spaces, the Municipality has the authority to offer an exemption from the parking requirements of the Comprehensive Zoning By-law, and except a cash payment in-lieu of each parking space not provided.
- .3 The Municipality shall adopt a Cash-In-Lieu By-law enabling it to accept cash payments in compensation for insufficient parking spaces involving development/redevelopment proposals.
- .4 It is the policy of the Municipality to consider the payment of cash-in-lieu of parking as a effective mechanism for encouraging a compact, efficient and viable downtown core.
- .5 Monies raised through cash-in-lieu shall be placed in a special reserve fund, separate from general revenues, dedicated to managing existing public parking resources and/or establishing new parking facilities.
- .6 In order to encourage development/redevelopment within the downtown cores of Tobermory and Lion's Head, the Municipality may wish to have a cash-in-lieu fee which is less than the true cost of providing new parking spaces.

### **5.105.11 Site Plan Control**

- .1 The Municipality has the authority under ~~Site Plan Control~~[Section 41 of the Planning Act](#) to require development proposals to include a site plan that identifies such things as finished elevations, site buffering, lot grading and drainage.
- .2 The Municipality can also require that a developer enter into an agreement to ensure that work is carried out in accordance with the site plan.
- ~~.3~~ All lands within this Official Plan shall be designated as a [proposed](#) Site Plan Control Area, ~~except those lands zoned as RU1 General Rural, R1 Detached Residential and R2 Resort Residential in the Municipality of Northern Bruce Peninsula Comprehensive Zoning Bylaw 2002-54.~~
- [.3 In general, Site Plan Control for Rural and low-density Residential uses shall be limited to mitigation requirements for natural heritage features and functions.](#)

- .4 The Municipality may require drawings showing plans, elevation and cross section views for any building to be erected for any purpose; such drawings shall sufficiently display the massing and conceptual design, relationship to adjacent buildings, and any interior or exterior areas outlined in Section 41 of the *Planning Act*. - Where required, these plans / drawings shall show how the development relates to the “Spruce the Bruce” toolkits and any Site Plan guidelines and by-laws developed by the Municipality or mitigation requirements outlined in an Environmental Impact Study.
- .5 The Municipality may require the signing of a Site Plan Agreement as a condition of the development of the lands. Such agreements shall be required prior to the issuance of a building permit.
- .6 Upon the execution of a Site Plan Agreement, the agreement may be registered on title of the lands and be binding on all future landowners.
- .7 The Municipality may require the following provisions to be made through the Site Plan Approval and Agreement process:
- i) road widening of streets to the minimum road right-of-way widths in accordance with [Section 4.5](#) Transportation;
  - ~~ii)~~ access to the property for vehicles and pedestrians;
  - ~~iii)~~ off-street vehicular loading and parking facilities;
  - ~~iv)~~ lighting facilities of lands, buildings or structures;
  - ~~v)~~ all means of pedestrian access;
  - ~~vi)~~ landscaping;
  - vii) facilities for the storage of garbage and other waste material;
  - ~~viii)~~ facilities designed to have regard for accessibility for persons with disabilities;
  - ix) required municipal easements;
  - ~~x)~~ trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities on the adjacent road right-of-way;
  - ~~xi)~~ grading or alteration in elevation or contour of the land and disposal of storm, surface and waste water from the land; and,
  - ~~xii)~~ cash bonding.

#### **5.115.12 Plans Of Subdivision**

- .1 Prior to approving a Plan of Subdivision, the County requires that a developer satisfy all conditions placed upon the development by the Municipality or by the various government agencies and ministries. This process usually involves the developer entering into a Subdivider's Agreement with the Municipality.

A Subdivider's Agreement provides the Municipality with a legal and binding mechanism to ensure that the design and servicing of the subdivision meet municipal standards, as well as allows for some type of performance bond should any costs be incurred by the Municipality in the development of the subdivision.

Subdivider's Agreements usually cover such issues as lot grading and drainage, the construction of roads and the installation of sewer and water lines, and the establishment of parkland.

- .2 The Municipality shall not support Plans of Subdivision that do not conform to the policies of the Official Plan and/or the provisions of the Comprehensive Zoning By-law.
- .3 Prior to permitting the development of a Plan of Subdivision, the Municipality shall be satisfied that the development can be supplied with municipal services such as schools, fire protection, water supply, storm drainage, sewage and/or septic disposal facilities and road maintenance. Such development should not adversely affect the finances of the Municipality.
- .4 The Municipality shall enter into a Subdivider's Agreement as a condition of the approval of a Plan of Subdivision. Such agreements shall ensure that the necessary internal or external services will be provided by the developer to the specifications established by the Municipality, as expressed in [Section 4.2](#) Municipal Services.

#### **5.125.13 Consent To Sever Land**

- .1 The Bruce County Land Division Committee has the authority for creating lots by consent and granting right-of-ways and easements within the Plan Area. However, the Municipality has a large degree of control over the creation of lots by consent and can request that conditions be placed on the approval of such lots, similar to the conditions it may ask for with a Plan of Subdivision.
- .2 The Municipality shall support applications to create lots by consent when:
  - i) the scale of development proposed or the total development potential of lands designated Residential would not require a plan of subdivision;

- ii) the application represents infilling in an existing built up area, and the proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;
  - iii) the creation of lots would not create or worsen traffic, access or servicing problems or create strip development;
  - iv) the lot or lots are located on an open public street of suitable standard; and,
  - v) the application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands.
- .3 The Municipality shall not support Consent applications that do not conform with the policies of the Official Plan and/or the provisions of the Comprehensive Zoning By-law.
  - .4 Prior to permitting the creation of lots by Consent, the Municipality shall be satisfied that the development can be supplied with municipal services such as schools, fire protection, water supply, storm drainage, sewage disposal facilities and road maintenance. Such development should not adversely affect the finances of the Municipality.
  - .5 The Municipality may enter into a Subdivider's Agreement and/or a Site Plan Control Agreement as a condition of the approval of Consent Applications. Such agreements shall ensure that the necessary internal or external services be provided by the developer to the specifications established by the Municipality

#### **5.135.14 Property Maintenance And Occupancy**

- .1 The Municipality has the authority to enact a by-law that prescribes minimum standards for the maintenance of land and buildings, and the occupancy of buildings within the community. Through a Property Maintenance and Occupancy By-law, the Municipality can legally require the repair of buildings or the cleaning up of properties that do not meet acceptable Municipal standards.
- .2 The Municipality may utilize a Property Maintenance and Occupancy By-law, affecting all lands within the Plan area, regulating such matters as:
  - i) garbage disposal, pest prevention, structural maintenance of buildings, and cleanliness of buildings;
  - ii) services of buildings (plumbing, heating, electricity); and,
  - iii) maintenance of yards, waterfront areas, removal of weeds, debris, rubbish, abandoned boats, unlicensed or wrecked vehicles, trailers, vehicles etc.

- iv) The Municipality may appoint a "Property Standards Officer" who shall be responsible for administering and enforcing the Property Maintenance and Occupancy By-Law.
- v) The Municipality may appoint a Property Standards Committee for the purpose of hearing appeals against an order by the Property Standards Officer.
- vi) In addition to the enforcement of minimum standards on private properties, the Municipality shall undertake to keep all municipally owned properties and structures in a fit and well maintained condition, and to maintain in good repair municipal services such as roads, sidewalks, water and sewage facilities, etc.

#### **5.14 SIGN BY-LAW**

~~The Municipality has the authority to regulate, through a by-law and permit system, the placement of signs, notices, placards or other advertising devices on private and public lands. Under such a By-law, the Municipality may require the removal of signs not in compliance with the By-law, levy fines against contravention to the sign by-law, and require licensing of those persons supplying mobile signs.~~

~~In order to ensure the visual integrity of the roadside environment, it is the policy of the Municipality to adopt a Sign By-law addressing such matters as:~~

- ~~a) — Appropriate location and dimension for signs advertising home occupations.~~
- ~~b) — Criteria for locating signs and awnings in the Downtown and Harbour area.~~
- ~~c) — Conformity with the “Streetscape Guidelines” adopted by the Municipality.~~
- ~~d) — Criteria for locating signs on public streets and on public lands.~~
- ~~e) — Appropriate location and time limits for portable signs on private and public lands.~~

#### **5.15 Public Consultation And A Fair And Timely Process**

~~The Official Plan attempts to clarify the planning direction and policies for those who become involved in the planning process in the Municipality. To this extent, this Section outlines the planning process and how to have meaningful input into the process.~~

~~It is the policy of the Municipality that all development applications are dealt with in a fair and expedient manner without undue time delays.~~

### **5.165.15 Finance**

- .1 This Plan makes reference to a number of Community initiatives under the responsibility of the Municipality. However, the Municipality shall provide and improve services in a fiscally responsible manner. This Official Plan has a life expectancy of 15 to 20 years and all of the projects and priorities referred to in the Plan cannot be initiated or implemented as soon as the Plan is adopted.
- .2 The Municipality shall not grant approval to any development unless it is in a financial position to provide the services required by such development.
- .3 The Municipality shall promote the establishment of a diverse and stable economic base both in terms of job opportunities and tax revenue.

### **5.175.16 Public Works And The Official Plan**

~~.1~~—It is the policy of the Municipality that all public works shall be carried out in accordance with the policies of this Official Plan.

~~.2~~—