

THE OFFICIAL PLAN FOR

**THE TOBERMORY AND LION'S HEAD SECONDARY URBAN AREAS,
AND THE HAMLET OF FERNDALE**

Prepared by Municipality of Northern Bruce Peninsula Council
and Ron Davidson, Land Use Planning Consultant

This document is consolidated for office use only.
Please refer to original Official Plan Amendments for details.

OFFICE CONSOLIDATIONS
April 2004
November 2008

THE OFFICIAL PLAN FOR TOBERMORY, LION'S HEAD AND FERNDALE

TABLE OF CONTENTS

SECTION 1 – INTRODUCTION	...1
1.1 GENERAL	
1.2 PURPOSE OF THE OFFICIAL PLAN	
1.3 PLANNING HISTORY AND CONTEXT	
1.4 LOCATION OF NORTHERN BRUCE PENINSULA	
1.5 LOCATION OF TOBERMORY, LION'S HEAD AND FERNDALE	
1.6 POPULATION	
1.7 THE VISION	
1.8 MAJOR COMMUNITY GOALS	
SECTION 2 – INTERPRETATION OF PLAN	...5
2.1 NEED TO CONFORM TO THE OFFICIAL PLAN	
2.2 HOW TO USE THE OFFICIAL PLAN	
2.3 INTERPRETATION OF THE PLAN	
2.3.1 Land Use Designation Boundaries	
2.3.2 Land Areas & Densities, and Numerical Projections	
2.3.3 Policy Interpretation	
2.4 REVIEW OF THE OFFICIAL PLAN	
SECTION 3 – LAND USE POLICIES	...8
3.1 RESIDENTIAL	...8
3.1.1 Goals	
3.1.2 Actions	
3.1.3 Policies	...9
3.1.1.1 Low Density Residential	...9
3.1.1.2 Medium Density Residential	...10
3.1.1.3 Residential Conversion Policy	...11
3.1.1.4 Bed and Breakfast Policy	...12
3.1.1.5 Home Business Policy	...12
3.1.1.6 Day Nurseries	...13
3.1.1.7 Group Home Policies	...19
3.1.1.8 Garden Suites	...20
3.1.1.9 Private Guest Cabins	...21
3.1.1.10 Range of Housing Types	...21
3.1.1.11 Special Policy Area No. 1	...21

3.2	COMMERCIAL AND INDUSTRIAL	...17
3.2.1	Goals	
3.2.2	Actions	
3.2.3	Downtown / Harbour Commercial	...18
3.2.3.1	Goal	
3.2.3.2	Actions	
3.2.3.3	Permitted Uses	
3.2.3.4	Policies	
3.2.3.5	Special Policy Area No. 2	...20
3.2.4	Highway Commercial	...21
3.2.4.1	Goal	
3.2.4.2	Actions	
3.2.4.3	Permitted Uses	
3.2.4.4	Policies	
3.2.4.5	Special Policy Area No. 3	...23
3.2.5	Space Extensive Commercial and Light Industrial	...23
3.2.5.1	Goal	
3.2.5.2	Actions	
3.2.5.3	Permitted Uses	
3.2.5.4	General Policies	
3.2.6	Recreational Commercial	...27
3.2.6.1	Goals	
3.2.6.2	Actions	
3.2.6.3	Permitted Use	
3.2.6.4	Policies	
3.2.7	Campgrounds and Travel Trailer Parks	...29
3.2.7.1	Policies	
3.2.7.2	Locational Criteria	
3.2.7.3	Design Requirements	
3.3	COMMUNITY FACILITY	...30
3.3.1	Goal	
3.3.2	Actions	
3.3.3	Permitted Uses	
3.3.3.1	NBP OPA #2	
3.3.4	Policies	
3.3.4.1	Airport Height and Noise Restrictions	
3.3.4.2	Establishment of New Facilities	
3.4	NATURAL AREAS	...32
3.4.1	Goal	
3.4.2	Actions	
3.4.3	Permitted Uses	
3.4.4	Tobermory Bog	
3.4.5	St. Edmunds Cave System Earth Science ANSI	
3.4.6	Barney Lake Provincially Significant Wetland and Payette Nippising Earth Science ANSI	
3.4.7	Hazard Lands	...35

3.5	RECREATION AND OPEN SPACE	...35
	3.5.1 Goals	
	3.5.2 Actions	
	3.5.3 Permitted Uses	
	3.5.4 Policies	
	3.5.5 Parkland Dedication	
	3.5.6 Cash-in-lieu of Parkland	
3.6	RURAL	...38
	3.6.1 Goal	
	3.6.2 Actions	
	3.6.3 Permitted Uses	
	3.6.4 Severance Policies	
	3.6.5 Rural-Oriented Industrial and Commercial	
	3.6.5.1 Small Scale Rural Industries and Home Business	
	3.6.5.2 Rural Industrial	
3.7	EXTRACTIVE INDUSTRIAL	...41
	3.7.1 Permitted Uses	
	3.7.2 Policies	
3.8	NIAGARA ESCARPMENT POLICY AREA	...42
	3.8.1 Goal	
	3.8.2 Actions	
	3.8.3 Policies	
	SECTION 4 – GENERAL DEVELOPMENT	...43
4.1	ENVIRONMENTAL REVIEW	...43
	4.1.1 Policies	
	4.1.2 Land Use Compatibility	
	4.1.3 Water Quality and Quantity	
	4.1.4 Aquatic and Wildlife Habitat	
	4.1.5 Great Lakes Shoreline Flood Plain	
4.2	MUNICIPAL SERVICES	...45
	4.2.1 Goals	
	4.2.2 Actions	
	4.2.3 Policies	
4.3	TRANSPORTATION	...47
	4.3.1 Goal	
	4.3.2 Actions	
	4.3.3 Road Classification	
	4.3.4 General Road	
4.4	HERITAGE CONSERVATION	...48
	4.4.1 Goal	

SECTION 5 – IMPLEMENTATION	...49
5.1 PURPOSE OF THE IMPLEMENTATION SECTION	...49
5.2 HOW TO AMEND THE PLAN	...49
5.3 THE COMPREHENSIVE ZONING BY-LAW	...50
5.4 HOLDING PROVISIONS	...50
5.5 MINOR VARIANCES TO THE COMPREHENSIVE ZONING BY-LAW	...51
5.6 LEGAL NON-CONFORMING USES	...52
5.7 LEGAL NON-COMPLYING USES	...53
5.8 INTERIM CONTROL BY-LAWS	...54
5.9 CASH-IN-LIEU OF PARKING REQUIREMENTS	...54
5.10 SITE PLAN CONTROL	...55
5.11 PLANS OF SUBDIVISION	...55
5.12 CONSENT TO SEVER LAND	...56
5.13 PROPERTY MAINTENANCE AND OCCUPANCY	...57
5.14 SIGN BY-LAW	...58
5.15 PUBLIC CONSULTATION AND A FAIR AND TIMELY PROCESS	...59
5.16 FINANCE	...59
5.17 PUBLIC WORKS AND THE OFFICIAL PLAN	...59
5.18 SEWER SYSTEM AND MUNICIPAL WATER PHASING	...59

SECTION 1 - INTRODUCTION

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'.

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', 'B' and 'C' 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.

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.

In 2003, Municipal Council decided to consolidate the Official Plans for Tobermory and Lion's Head in order to provide one Official Plan that was consistent and fair for both communities.

Council also recognized Ferndale as an important growth area within the Municipality. Consideration was given to designating Ferndale as a secondary urban settlement area with the same status as Tobermory and Lion's Head. During the Plan approval process, concerns arose with re-designating Ferndale from a Hamlet to a Secondary Urban Settlement Area, in the absence of municipal sewer and water services, and in the absence of an interim servicing strategy.

As such this Plan leaves Ferndale within the Hamlet designation. However one of the goals of the plan is to look towards redesignating the Hamlet of Ferndale to a Secondary Urban Settlement Area, contingent upon both an interim and then long term servicing strategy.

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.

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.

POPULATION

The population of the Municipality of Northern Bruce Peninsula grew from 3,500 to 3,599 during the five-year period leading up to 2001.

The population statistics are broken down further for each of the former municipalities now comprising Northern Bruce Peninsula (i.e. Lindsay Township, St. Edmunds Township, Eastnor Township and Lion's Head) with Lindsay Township leading the way in population growth with an increase of 19.8%. Lion's Head, at the other end of the spectrum, dropped in population by 9.1%.

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 these 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.

MAJOR COMMUNITY GOALS

- a) To create a positive economic climate to create a wide range of employment opportunities.
- b) To protect the natural environment, in order to ensure future economic growth.

- c) To provide that any development proceeds in a logical, progressive and economically sound manner.
- d) 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.
- e) To work with the private and public sector to develop a common theme 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.
- f) 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.
- g) Encourage linkages of the footpath of the Bruce Trail in an optimal location as close to the Escarpment as is feasible.
- h) To investigate opportunities to redesignate the Hamlet of Ferndale to a Secondary Urban Settlement Area, with the investigation including a long term municipal sewer and water strategy, and a interim servicing strategy.

SECTION 2 - INTERPRETATION OF PLAN

2.0 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. The development of the remainder of the Municipality of Northern Bruce Peninsula is covered by the County of Bruce Official Plan.

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.

HOW TO USE THE OFFICIAL PLAN

This Official Plan has several interrelated components that must be read 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' or 'C', 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 the "Implementation Section" 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.

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.

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 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 2008, 2013 and 2018.

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.

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

- i) the adequacy of lands available within each of the land use designations to support anticipated development;
- ii) demographic, social and physical changes to the Municipality;
- iii) effectiveness of the various policies of the Plan;
- iv) changes in County or Provincial policies which impact upon the relevance of the Plan;
- v) the quality of the area's natural environment, including ground water, lake water quality, wetlands and areas of natural and scientific interest; and,
- vi) the adequacy of Municipal servicing (i.e. municipal water and sanitary sewers) within Tobermory, Lion's Head and Ferndale.

SECTION 3 - LAND USE POLICIES

3.1 RESIDENTIAL

Tobermory, Lion's Head and Ferndale are designated 'Secondary Urban Community', and Hamlet respectively 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.

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 both municipal sewer and municipal water services.

It is expected that the population of Northern Bruce Peninsula will continue to 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) 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 services systems to either communal or full municipal services.

3.1.1 Goals

- a) 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.
- b) To continue the detached residential development pattern, and provide opportunities for other higher density residential forms on full municipal services.
- c) 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

- a) To designate limited vacant blocks of lands as 'Residential' to accommodate future residential growth.
- b) To recognize the existing built up areas of Tobermory and Lion's Head and provide opportunities for infilling and redevelopment.
- c) To permit through the Official Plan and Zoning By-law a wide range of housing types and densities.
- d) 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.
- e) To allow small scale economic development enterprises by permitting home businesses and bed and breakfast operations in the residential designation and select zones.
- f) To require new residential developments to provide pedestrian and bicycle links between the residential areas, the downtowns and the harbour areas.

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, day nurseries, private guest cabins and other such similar uses subject to policies contained in this Plan.

3.1.3.1 Low Density Residential

The Municipality considers single detached, semi-detached, duplex dwellings, and converted dwellings with no more than two units to be low-density residential development.

- a) 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 partially serviced or private services, a lower density, as determined by site-specific conditions, may be required.
- b) 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 partially serviced or private services, a lower density, as determined by site-specific conditions, may be required

"Gross density" shall be defined as the density of the residential development in an area, including all local roads and parks and hazard lands.

- c) Specific lots sizes and densities are dependant 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.
- d) Where municipal sewer or water services are available, it shall be the policy of this Plan that all development be connected to these services.
- e) The Municipality's Comprehensive Zoning By-law may place single detached, semi-detached and duplex development in separate zoning classifications.
- f) Low-density residential development may be subject to Site Plan Control.

3.1.3.2 Medium Density Residential Policies

The Municipality considers triplexes, four-plexus, townhouses, rowhouses, 3 storey apartments, converted dwellings of three or more units, and similar multi-unit forms of housing as medium density residential development.

All new medium density residential development shall be serviced with municipal sewer and water services.

- a) Medium density residential development shall have a maximum gross density of 35 units per gross hectare (14 units per gross acre).
- b) 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;
- c) Medium density residential development shall be placed in separate zones in the Comprehensive Zoning By-law.
- d) Medium density residential development shall be subject to Site Plan Control.

3.1.3.3 Residential Conversion Policy

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.

- a) 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.
- b) Converted units shall be placed within a separate zone in the Comprehensive Zoning By-law and may be subject to Site Plan Control.

3.1.3.4 Bed and Breakfast Policy

Bed and Breakfast operations may be permitted in single detached dwelling subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law shall provide Bed and Breakfast regulations that ensure:
 - i) that the establishment of such uses 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) any other regulation, including business licensing, deemed necessary by the Municipality .
- b) Bed and Breakfast operations may be subject to Site Plan Control.

3.1.3.5 Home Business Policy

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 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.

- a) 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) maintains the external appearance of the residence and accessory structures as a residential use.
- b) Home Businesses may be subject to Site Plan Control and shall require licensing by the Municipality.

3.1.3.6 Day Nurseries

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

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

- a) The Comprehensive Zoning By-law may provide Day Nursery regulations that require:
- i) a demonstrated community need exists for the facility;
 - ii) the establishment of the facility does not change the residential character of the neighbourhood;
 - iii) a safe area for the drop-off and pick-up of the children; and,
 - iv) all requirements of the Comprehensive Zoning By-law, including yard setbacks, signage and parking are met.
- b) The facility shall be licensed by the Ministry of Community and Social Services under the Day Nurseries Act, R.S.O., 1990, as amended.
- c) The facility shall provide for the temporary care or guidance for the children for a continuous period not exceeding 24 hours.
- d) The facility shall meet all health, safety and building code standards.
- e) Day Nurseries shall be subject to Site Plan Control.

3.1.3.7 Group Home Policies

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

“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.

- b) Group Homes may be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.
- c) 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) that no physical alterations be made to change the function of the structure as a single detached residential dwelling unit.
 - iii) that the facility is licensed, regulated, financed and/or approved by a government regulatory body;
 - iv) 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) that no other group home is located within close proximity to the proposed site; and,
 - vii) that the building meets all health, fire safety and building code standards.

3.1.3.8 Garden Suites

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.

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

- a) The Comprehensive Zoning By-law may provide garden suite regulations which:

- i) require the residential unit to be detached and accessory to a primary dwelling unit;
 - ii) 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; and,
- b) 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, safety, servicing and building code standards;
 - iv) the need for bonding or security to ensure that certain conditions of the agreement are met; and,
 - v) other issues deemed important by the Municipality.
- c) The establishment a garden suite shall require an amendment to the Comprehensive Zoning By-law.
- d) Garden suites may be subject to Site Plan Control.

3.1.3.9 Private Guest Cabins

Private guest cabins may be permitted in the specific zones within the Comprehensive Zoning By-law. The Zoning By-law shall provide regulations that ensure:

- a) private guest cabins are accessory to a primary residential use already established on the property, and maintained for non-paying guests only;
- b) the guest cabin shall not include any kitchen or sanitary facilities;
- c) the guest cabin meets all setback requirements of the primary residence on the property, and shall not exceed the permitted coverage for the zone; and,
- d) the lands are provided with or can be provided with adequate sewage treatment facilities.

3.1.3.10 Range of Housing Types

An affordable detached dwelling in the County of Bruce is defined as having a sale price of

\$128,500.00 and under. The average sale price in Northern Bruce Peninsula is less than this amount, which suggests that this area generally does not have an affordability problem.

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:

- a) The Municipality shall ensure that the standards of the Comprehensive Zoning By-law do not preclude the development of affordable housing opportunities.
- b) 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.

3.1.3.11 Special Policy Area No. 1

Notwithstanding their Residential designation, on those lands identified as Special Policy Area No. 1 on Schedule 'B' to this Plan, 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:

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

3.1.1.11.1 OPA #4 (Hayes, By-Law #2001-62, 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 3.1.3.11.1 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.

3.1.1.11.2 OPA #4 (Hayes, By-Law #2007-43, 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 3.1.3.11.2 on Schedule 'B', two mini-storage units accessory to the medium density residential development will be permitted.

3.2 COMMERCIAL AND 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 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 diversity 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 (5) general categories:

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

3.2.1 Goals

- a) Promote Tobermory, Lion's Head and Ferndale as the central commercial service areas in the Municipality.
- b) 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 are protected from inappropriate land uses.

- c) Develop a more diverse commercial and industrial base outside of the two downtowns.

3.2.2 Actions

- a) Promote vibrant, compact, viable and mixed-use downtown commercial cores in Tobermory and Lion's Head.
- b) Work with the public and private sectors in the downtowns and harbour areas to improve these areas as tourist destinations that are pedestrian oriented.
- c) 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.
- d) Provide through the Comprehensive Zoning By-law opportunities for accessory residential uses in conjunction with commercial uses in the commercial areas.
- e) 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.
- f) Provide adequate designated, zoned and serviced lands to encourage growth for all types of land uses.
- g) Promote home occupations as an important component of economic growth and adopt regulations that help small business start up.
- h) Pursue innovative and creative approaches to encouraging environmentally clean industry to locate within the Official Plan area.
- i) Develop commercial building and signage regulations along a "historic theme" to be applied in conjunction with commercial uses in the downtowns of Tobermory and Lion's Head.

3.2.3 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.

3.2.3.1 Goal

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.

3.2.3.2 Actions

- a) Provide opportunities through the Comprehensive Zoning By-law and other regulations for a mixture of commercial and residential uses in the downtown / harbour areas.
- b) Maintain through zoning, site plan control and other regulatory measures, the historic charm of the downtown / harbour areas.

3.2.3.3 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.

3.2.3.4 Policies

- a) 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.
- b) 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.
- c) Development and redevelopment within the Downtown / Harbour Commercial designation shall have regard for consistent with the "Streetscape Guidelines" adopted by the Municipality.
- d) 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.

- e) 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.
- f) Where it is impossible for adequate off-street parking to be provided by the owner of 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.
- g) 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.
- h) 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.
- i) All development and redevelopment proposals in the downtown area shall take into consideration, at the site planning stage, provisions for pedestrian and bicycle access.
- j) 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.

3.2.3.5 Special Policy Area No. 2

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 retailing 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.

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.

3.2.4 Highway Commercial

The Municipality recognizes that opportunities should be provided for new commercial uses that 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 uses outside of the core commercial areas and within Ferndale.

3.2.4.1 Goal

- a) 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.
- b) To ensure that from a visual perspective, new highway commercial uses are attractive and properly planned as additions to the commercial function of Northern Bruce Peninsula.

3.2.4.2 Actions

- a) 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.
- b) Promote the grouping of highway commercial uses while prohibiting the continuance of strip development in order to minimize access points onto the major thoroughfares.
- c) Work in conjunction with the Ministry of Transportation to ensure that all new highway commercial uses are provided with safe and efficient access.

3.2.4.3 Permitted Uses

Highway Commercial uses are those that have large lot area, parking or building requirements so large that it 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 dependent upon a high degree of access and visibility to vehicular traffic, but do not require municipal sewer and/or water services.

3.2.4.4 Policies

- a) The Municipality shall encourage new Highway Commercial uses to be grouped in areas as opposed to scattered along the highway.
- b) In the absence of municipal sewer systems, generally, only highway commercial 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 service stations, automobile repair establishments, convenience stores, equipment rental establishments, restaurants, hotels and motels. Only these uses shall be identified in the Zoning By-law.
- c) In order to ensure that the Highway Commercial areas within this Official Plan are developed as attractive entrances to Tobermory, Lion's Head and Ferndale, it shall be a policy of the Municipality that the following site development standards be satisfactory addressed by all Highway Commercial development proposals:
 - d) 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;
 - e) 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;
 - i) underground wiring for hydro, telephone and other transmission lines shall be promoted; and,
 - ii) 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.
- f) To allow for the safe and efficient movement of traffic, strip development shall be prohibited. Highway Commercial uses should be grouped for access and servicing advantages. Efforts shall be made to reduce access points by combining exists and entrances or be creating service road where possible.
- g) Prior to the establishment of any new Highway Commercial use, the landowner must obtain a Commercial Entrance permit from the Ministry of Transportation.
- h) 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.

- i) All parking areas shall be appropriately illuminated to ensure the safety of pedestrian and vehicular access.
- j) Effects of Highway Commercial development on adjacent uses shall be minimized by:
 - i) lot size shall be dependent on the nature of the use, the topography and drainage, and the method of sewage treatment and disposal; and,
 - ii) where feasible, similar uses should be encouraged to be grouped together to avoid land use conflicts.

3.2.4.5 Special Policy Area No. 3

Notwithstanding their Highway Commercial designation, on those lands identified as Special Policy Area No. 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; and,
- (iv) Recreation and open space uses in accordance with Section 3.5 of this Plan;

In the absence of full municipal sewer and water services or an interim service strategy developed and adopted by the Municipality for the Ferndale area, commercial uses that generate non-domestic waste shall be prohibited.

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.

Commercial

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.

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.

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

- v. the development is infilling, or development of existing lots of record;
- vi. the use(s) are limited to those that would not normally require excessive amounts of water or generate large volumes of waste water;
- vii. the proposed servicing system complies with the standards of the appropriate approval authority;
- viii. 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. 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 a Settlement Capacity Study has been completed by the Municipality in accordance with Section 4.2.3 of this Plan.

Light Industrial

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.

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

- the development is infilling, or development of existing lots of record;
- the use(s) are limited to those that would not normally require excessive amounts of water or generate large volumes of waste water;
- the proposed servicing system complies with the standards of the appropriate approval authority;
- 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
- 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.
- 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 a Settlement Capacity Study has been completed by the Municipality in accordance with Section 4.2.3 of this Plan.

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.

- c) 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;
- i) building design and site planning measures;
 - ii) the arrangement of lighting facilities and commercial signs to minimize impact on surrounding uses.
 - iii) 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 leach ate mitigation measures are taken when required. Setbacks shall be required to ensure that the location of the use will not inhibit future expansions to the licensed area, and 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.

3.2.6 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.

3.2.6.1 Goals

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.

3.2.6.2 Actions

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.

3.2.6.3 Permitted Use

Within the Recreational Commercial designation, space extensive recreational uses such as golf courses and riding stables, cross county ski and mountain biking facilities, natural, cultural or historical appreciation and interpretive facilities and other such similar uses shall be permitted. Existing campgrounds and travel trailer parks shall also be recognized as permitted uses.

3.2.6.4 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) 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.

- c) 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;
- k) 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 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

3.2.7.1 Policies

Expansions to existing campground and travel trailer operations and the establishment of new uses in mineral aggregate areas as a rehabilitated use shall be permitted by amendment to the Comprehensive Zoning By-law. New campground and travel trailer operations shall be permitted by 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.

3.2.7.2 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 as indicated on Schedules 'A', or 'B' nor within proximity to sewage lagoon or waste disposal facilities.

3.2.7.3 Design Requirements

- a) The minimum lot area for a Campground and Travel Trailer Park shall be not less than 4 hectares (10 acres) with a minimum lot frontage of 100 metres (330 feet).
- b) 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.
- c) 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.
- d) 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.
- e) The Campground and Travel Trailer Park areas shall be located in such a manner that the road pattern provided 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.

- f) Camping and trailer park facilities shall be serviced in such a manner that impacts on the natural environment, include surface and subsurface water resources, are minimized. Sites shall be serviced by communal sewage and water facilities designed by a qualified professional.
- g) Sites and facilities shall be designed so that as many of the natural features as possible is 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.
- h) 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 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

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

3.3.2 Actions

- a) Promote the use of government, park, school facilities as community facilities and multi-use facilities.
- b) 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.
- c) 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.

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.

3.3.3.3 NBP OPA #2 (James Hill Construction, By-Law #4063, 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 3.3.3.3 on Schedule 'B', permitted uses may include a duplex dwelling or an apartment unit.

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

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

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

- a) new community facilities shall be designed and located so as to allow for the shared use of the facility.
- b) that the proposal is of a scale which is compatible with surrounding uses and should be able to function as a focal point for the neighborhood or community;
- c) that the anticipated level of vehicular traffic is taken into consideration, as well as pedestrian links between the facility and the Downtown and public facilities.
- d) that the proposed site is located within close proximity to necessary support community facilities;
- e) the site area is adequate to accommodate buildings, future expansions, accessory off-street parking and landscaping;

- f) adequate buffer, planting or fencing shall be established between community facility land uses and adjacent land uses.
- g) 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.
- h) 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.

3.4 NATURAL 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 are 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 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 Goal

- a) Play a lead role in the maintenance and enhancement of the natural environment to ensure that the ecological functions remain intact for future generations.
- a) 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

- a) identify then implement rigid regulations to protect the Township's natural areas including core deer areas, St. Edmunds Cave system, Tobermory Bog, Barney Lake Wetland Complex.
- b) 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.

- c) require buffer areas around natural areas when new development is proposed.
- d) recognize 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.
- e) enlist the assistance of public and private agencies to ensure that any ground water contamination problems resulting from any faulty septic systems are addressed.
- f) promote the conservation of energy, water and other natural resources.
- g) recognize that natural features and areas exist outside the boundary shown of Schedule 'B' 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.

(Note: In some instances, the Natural Area designation falls within the Natural or 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.)

3.4.4 Tobermory Bog

The Tobermory Bog has been identified by the Ministry of Natural Resources as an Area of Natural and Scientific Interest (ANSI – Life Science) and as a locally significant wetland. The ANSI consists of two wetland areas, one of which is the only “acid bog” of any consequence of the Bruce Peninsula. The ANSI is home to 16 plants that are rare to the Peninsula. Under the initial Ministry report, the wetland and ANSI area covered approximately 270 acres. However, the bog and associated wetlands are located in the centre of the former St. Edmunds Township last remaining known aggregate deposits, and bounded by a number of existing extractive industrial operations. Due to the existence of existing aggregate operations, only a portion of the wetland, comprising of approximately 135 acres, has been recognized in the Natural Area designation. The natural values within the ANSI will be protected by ensuring that any new applications for extraction will be required to demonstrate that there will be no negative impact on the nature feature.

In order to protect the remaining ANSI and wetland features of the Tobermory Bog, new development, including excavation, dredging or filling within the bog areas shall be prohibited.

No new development, including aggregate extraction, shall be permitted on lands within the Natural Area unless it can be shown by the proponent that the development will have no negative impact on the natural or ecological function of the Bog area.

3.4.5 St. Edmunds Cave System Earth Science ANSI

The St. Edmunds Cave is a series of caves that represent “active Karst erosion on a dolomite plain bounded by an escarpment”. Karst refers to those geologic features that were created by water dissolving bedrock to create underground channels, streams and caves. This series of caves likely ranks as one of the best examples of a cave system in Ontario.

At the site, a small stream disappears into the sand near a vertical cave entrance. The stream travels along a joint within bedrock towards the northeast, reappearing in another cave in Little Cove. The area between where the water enters and leaves the bedrock (approximately 2 kms) is the longest active river cave of the Niagara Escarpment and possibly Ontario. Its central part is flooded due to the low gradient of the passage, although either side can be explored for some distance.

No new development shall be permitted in the St. Edmunds Cave System ANSI. Development shall not be permitted within 50 metres of the area so designated unless it can be proven by the proponent that the development will have no negative impact on the natural or ecological function or physical landforms associated with the St. Edmunds Cave System.

3.4.6 Barney Lake Provincially Significant Wetland and Payette Nippising Earth Science ANSI

The Barney Lake Payette Nippising ANSI (Barney Lake ANSI) comprises of wetland areas and beach ridges that are associated with glacial Lake Algonquin. This example of recessional beaches is not common to the Peninsula because sufficient material was not present on the Peninsula to create beach features except in this area. It was recognized as early as the 1970's that the area will likely continue to be threatened by further aggregate extraction and the management decisions are needed immediately.

The Barney Lake area is also classified as a Provincially Significant Wetland. The complex comprises 11 individual wetlands ranging in size from 1 hectare to 45 hectares, and consisting of localized depressions in the otherwise flat bedrock with associated fens and marsh areas around the depressions. Due to the northern location of the wetland the area exhibits features commonly found in the boreal wetlands of Northern Ontario. The combination of soils and temperature has created an environment for a number of regionally significant plant species.

Only a small portion of the complex is located in the plan area, with the majority of the complex being located to the south west of the plan boundary.

In order to protect the remaining wetland and ANSI features of the Barney Lake Wetland complex, new development including excavation, dredging or filling within the Wetland area shall be prohibited.

New development shall be permitted on lands adjacent to the Barney Lake Wetland complex only if it can be shown by the proponent that the development will have no negative impact on the natural or ecological function of the wetland. Adjacent lands are defined as those lands within the complex but outside of the actual wetland boundaries, or those lands within 120 metres of the wetland boundaries.

3.4.7 Hazard Lands

Certain lands within the Natural Area designation have been recognized as being unsuitable for development due to inherent physical barriers to development such as the presence of steep slopes, flood prone and shoreline areas, low lying or marshy areas, and areas with organic or unstable soil types.

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. Should all other requirements of this Plan be met, new development may proceed through an amendment to this Plan. 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.

3.5 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.

3.5.1 Goals

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

- a) 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.

- b) Developing new public waterfront land in the Municipality.

3.5.2 Actions

- a) Attempt to locate new park and open space areas in locations that serve both the traveling public and the residents of Northern Bruce Peninsula.
- b) Promote the protection of lands that provide scenic vistas or have important natural qualities.
- c) Improve existing public waterfront park and boat launch facilities.
- d) 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.

3.5.3 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.

3.5.4 Policies

- a) 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.
- b) 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.

3.5.5 Parkland Dedication

- a) 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,
- b) 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.

3.5.6 Cash-in-lieu of Parkland

- a) 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.
- b) 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.

3.6 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 resident 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.

3.6.1 Goal

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

3.6.2 Actions

- a) Prohibit further strip development along the public roads by restricting severance activity.
- b) Encourage large-scale commercial and industrial developments to locate in other designations in the Plan area already designated for such uses.
- c) Provide economic development opportunities by permitting small-scale rural industries and home businesses in the rural area.
- d) Ensure that aggregate resource areas remain unobstructed from future extraction by prohibiting lot creation in close proximity to these areas.

3.6.3 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 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.

3.6.4 Severance Policies

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

- a) 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.
- b) The minimum lot size shall be 0.8 hectares (2 acres) and the maximum lot size shall be 4 hectares (10 acres);
- c) 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,
- d) The frontage-to-depth ratio should be a maximum of 1:3 and conform to the appropriate zoning requirements.
- e) 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 indicating that the lands are suitable or can be made suitable for private septic servicing.

3.6.4.1 NBP OPA#1 (Hofstrand, By-Law #4099, Pt Lot 45 Con 3WBR, St Edmunds)

Notwithstanding the 'Rural' policies of this Plan, the lands identified as Site Specific Policy Area 3.6.4.1 on Schedule 'A', may sever a second lot off the original municipal lot (Lot 45) and a detached dwelling with access onto Belrose Road built on the retained lot.

3.6.4.2 NBP OPA # 5 (Warder, By-Law # 2008-32, D7 Unit 56 & Pt 57 Frances;Warder (Life Int) RP 3R5236 Part 4 (Lion's Head), and Con 5EBR Lot 25 RP 3R5236 Part I Frances;Warder (Life Int) (Eastnor)

Notwithstanding their 'Rural' designation, the lands identified as Site Specific Policy Area 3.6.4.2 on Schedule 'B', may sever a 1.8 acre parcel with a frontage of 186 ft for the purposes of severing a surplus farm residence.

3.6.5 Rural-Oriented Industrial and Commercial

Rural-oriented commercial and industrial uses permitted within the Rural designation can be grouped under three broad categories:

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

3.6.5.1 Small Scale Rural Industries and Home Business

- a) 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.
- b) 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.
- c) 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 3.1.4.3 “Home Business”, the Comprehensive Zoning By-law may provide for industrial and commercial uses to take place in accessory buildings.
- d) Bed and breakfast and farm vacation operations established in the Rural designation shall be subject to the “Bed and Breakfast” policies of Section 3.1.4.2.
- e) 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.
- f) Small Scale Home Industries and Home Businesses may be subject to Site Plan Control and shall require licensing by the Municipality.

3.6.5.2 Rural Industrial

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

3.7 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.

3.7.1 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. The establishment of new campground and trailer parks shall be permitted as a rehabilitated use in accordance with Section 3.2.7.

3.7.2 Policies

The following policies shall be considered by the Municipality prior to adopting an amendment to the Comprehensive Zoning By-law.

- a) Known aggregate resource areas are indicated on Schedules 'A', 'B' and 'C' 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.
- b) 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.
- c) 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.

3.8 NIAGARA ESCARPMENT POLICY AREA

An overlay entitled Niagara Escarpment Policy Area is included on Schedules 'A', 'B' and 'C' 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.

3.8.1 Goal

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.

3.8.2 Actions

- a) 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 Development Control, whichever is applicable.
- b) Require circulation of all new development applications within the policy overlay area to the Niagara Escarpment Commission for its review.

3.8.3 Policies

Lands within the Niagara Escarpment Plan Areas as illustrated on Schedules 'A', 'B' and 'C' are subject to the goals, objectives, policies, permitted uses and development criteria of the Niagara Escarpment Plan.

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.

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 all new developments to proceed with the utmost respect for the environment. One of the major objectives of this Plan is to ensure that the natural environment is left intact for future generations to enjoy.

4.1.1 Policies

- a) It is a policy of the Municipality to require all land use proposals 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.
- b) 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.
- c) 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.

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 Land Use Compatibility

The Municipality shall consider land use compatibility when new residential, commercial, transportation and utility uses are proposed in proximity to sensitive uses. The Municipality shall consider the potential land use compatibility when sensitive uses are proposed adjacent to existing uses.

4.1.3 Water Quality and Quantity

- a) The Municipality shall assess the potential impact a development may have on the quality and quantity of the Municipality's water resources. Such an assessment should not only involve the individual development but should also take into account the cumulative effects over time that such development may result in.
- b) Development shall be assessed based on its:

- i) impact upon water resources;
- ii) impact on the quality and quantity of surface and ground water resources; and,
- iii) promotion of water conservation and the efficient use of water resources.

4.1.4 Aquatic and Wildlife Habitat

- a) It shall be a policy of the Municipality that development be permitted only where there will be no net loss of aquatic habitat, and where possible, the development will create a net gain in aquatic habitat.
- b) Certain portions of Schedule 'A' have been known to include core deer yarding areas, or form part of the deer population's natural habitat. Due to the transitory nature of the deer population, it is difficult to pin point deer yarding areas on a schedule to the Plan.

In recognition of deer habitat within the Plan area, all new developments shall take into account the impacts of development on the long-term survival of the deer population and other natural habitats.

Where identified as a concern, new developments must demonstrate that there will be no negative impacts on the habitat of these species.

4.1.5 Great Lakes Shoreline Flood Plain

- a) 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.
- b) 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.
- c) Additions to non-compatible structures located within the 100-year lake flood limit shall not be permitted.
- d) 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.
- e) 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.
- f) The 100 year flood limit and required setbacks shall be implemented through the Comprehensive Zoning By-law.

4.2 MUNICIPAL 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 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.

4.2.1 Goals

Provide a full range of affordable, municipal services to meet the needs of the community.

4.2.2 Actions

- a) To continue with efforts to provide Municipal water and sanitary sewers throughout Tobermory, Lion's Head and Ferndale in a phased and planned approach.
- b) Ensure through the approval and regulatory process that all new developments that take place on private sewer and/or water services do not have a detrimental effect on ground water resources, Lake Huron or the environment in general.

4.2.3 Policies

Only a portion of Tobermory is serviced with municipal sewer services. The municipal sewage system essentially serves the built up and developed portion of the downtown areas, with expansion being highly restrained by costs and the bedrock topography. There are some vacant lands designated for development in this Plan that do not currently have access to municipal sewers, and may not have access in the foreseeable future.

In Lion's Head and Ferndale, no municipal sewer services exist. The majority of the existing users in Lion's Head, however, are provided with municipal water.

- (a) It shall be a policy of the Municipality to require that new developments in areas where municipal water and/or sewer services are available that private wells and/or septic systems shall not be permitted in conjunction with new developments.

That prior to the establishment of a use within Tobermory or Lion's Head settlement areas that creates non-domestic waste or uses a large volume of water a Settlement Capacity Study, that looks at three types of services--(1) the provision of full municipal services, (2) the provision of partial services, or (3) individual services, shall be completed by the Municipality. Such a Settlement Capacity Study shall address the following:

- an assessment of the appropriate type and level of servicing necessary to support future growth and development including financing, phasing and administrative requirements;

- 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;
 - where subsurface sewage treatment and disposal is proposed, an assessment of the long term suitability of the soil conditions;
 - an identification of existing or potential restrictions to future growth and development;
 - an assessment of the potential impact of new growth and development upon the natural environment; and,
 - an assessment of the economic feasibility of the proposed servicing.”
- (b) It is the intention of council to investigate the possibilities of redesignation Ferndale from a Hamlet to a secondary urban settlement area. As part of this investigation, the municipality shall undertake a Settlement Capacity Study for the Ferndale area

The settlement capacity study shall address the feasibility of providing sewer and water services for Ferndale as part of a joint and shared municipal sewer and water system servicing both the Ferndale and Lion’s Head settlement areas. The study shall include, as a minimum, the following:

- an assessment of the appropriate type and level of municipal sewer and water servicing necessary to support future growth and development including financing, phasing and administrative requirements;
- an analysis of the hydrology, hydrogeology and soils to determine the capability of surface and ground water resources to accept sewage effluent;
- an identification of existing or potential restrictions to future growth and development;
- an assessment of the potential impact of new growth and development upon the natural environment; and,
- an assessment of the economic feasibility of the proposed servicing.

It is recognized that the cost will be a factor in providing full municipal services to Ferndale. As such, the Municipality may consider redesignating Ferndale as a secondary settlement area, if the settlement capacity study includes a satisfactory interim servicing strategy for development on private services. The interim servicing strategy shall provide, as a minimum:

- an inventory and evaluation of the existing development within Ferndale, and an evaluation of existing adverse impacts resulting from private septic systems, if any;
- an analysis of the hydrology, hydrogeology and soils to determine the capability of surface and ground water resources to provide sufficient quantity and quality of domestic water supply from private wells, and to accept sewage effluent from private individual septic systems;
- an identification of existing or potential restrictions to interim growth and development;
- an assessment of the potential impact of new growth and development upon the natural environment; and,
- a list of the types of land uses that can safely be promoted in Ferndale without negative impacts on ground water resources and human health, as part of the

- interim growth strategy,
 - recommended policies that need to be incorporated into the local official plan in order to implement the interim servicing strategy,
 - an assessment of the economic feasibility of promoting growth on private services, given the long term objective of providing full municipal services.
- (c) The Municipality shall pass by-laws and enter into agreements, including financial arrangement, with property owners for the installation of municipal services.

4.3 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.

4.3.1 Goal

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

4.3.2 Actions

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

4.3.3 Road Classification

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.

4.3.4 General Road

- a) 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.
- b) 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 4.3.3 Road Classification.
- c) The Municipality shall not assume or dedicate any roads that do not meet the minimum acceptable standards of the Municipality.
- d) Road widening shall take place in conformity with the standards outlined in Section 4.3.3 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.

4.4 HERITAGE CONSERVATION

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

4.4.1 Goal

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.

SECTION 5 - IMPLEMENTATION

5.1 PURPOSE OF THE IMPLEMENTATION SECTION

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.

This Section is a guide to those for those who propose developments within the Plan Area.

5.2 HOW TO AMEND THE OFFICIAL PLAN

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.

- a) 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?

5.3 THE COMPREHENSIVE ZONING BY-LAW

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.

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.

- a) It is the policy of the Municipality to amend the Comprehensive Zoning By-law to bring it into compliance with this Official Plan.
- b) It is the policy of the Municipality to refuse amendments to the Comprehensive Zoning By-law which do not conform to this Official Plan.
- c) 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.
- d) 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; and,
 - (iii) the legal non-conforming use does not interfere with the desirable development or enjoyment of the adjacent area.

5.4 HOLDING PROVISIONS

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.

- (a) 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.
- b) 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.
- c) 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.
- d) 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-laws, thereby allowing development to proceed quickly once the conditions have been met.

5.5 MINOR VARIANCES TO THE COMPREHENSIVE ZONING BY-LAW

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.

- a) 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.
- b) 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.
- c) 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.
- d) 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.

5.6 LEGAL NON-CONFORMING USES

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".

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.

- a) 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.
- b) 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.

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.

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.
 - iv) The site includes the adequate provision of off-street parking, loading and unloading facilities.
 - v) 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.
- c) 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.

5.7 LEGAL NON-COMPLYING USES

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.

- a) 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:
 - i) the expansion, alteration or addition does not further aggravate the existing non-compliance of the use; and,

- ii) the expansion, alteration or addition does not create another non-compliance with the By-law.

5.8 INTERIM CONTROL BY-LAWS

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.

In such case, the Municipality may put a hold on development permitted under the Comprehensive 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.

This freeze in development allows the Municipality to undertake a thorough review of its policies and take the necessary action to address the problem.

- a) It is the policy of the Municipality to use Interim Control in circumstances where an immediate policy review of specific issues is required.

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.

5.9 CASH-IN-LIEU OF PARKING REQUIREMENTS

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.

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.

- a) 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.
- b) 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.
- c) 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.

- d) 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.

5.10 SITE PLAN CONTROL

The Municipality has the authority under Site Plan Control to require development proposals to include a site plan that identifies such things as finished elevations, site buffering, lot grading and drainage.

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.

- a) All lands within this Official Plan shall be designated as a Site Plan Control Area.
- b) The Municipality may require drawings showing plans, elevation and cross section views for any building to be erected for any purpose.
- c) 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.
- d) 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.
- e) 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 4.3 Transportation;
 - ii) off-street vehicular loading and parking facilities;
 - iii) lighting facilities of lands, buildings or structures;
 - iv) all means of pedestrian access;
 - v) landscaping;
 - vi) facilities for the storage of garbage and other waste material;
 - vii) required municipal easements;
 - viii) grading or alteration in elevation or contour of the land and disposal of storm, surface and waste water from the land; and,
 - ix) cash bonding.

5.11 PLANS OF SUBDIVISION

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.

- a) 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.
- b) 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.
- c) 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.

5.12 CONSENT TO SEVER LAND

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.

- a) 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.
-
- b) 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.
 - c) 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.
 - d) 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

5.13 PROPERTY MAINTENANCE AND OCCUPANCY

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.

- a) 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.
- b) The Municipality may appoint a "Property Standards Officer" who shall be responsible for administering and enforcing the Property Maintenance and Occupancy By-Law.
- c) The Municipality may appoint a Property Standards Committee for the purpose of hearing appeals against an order by the Property Standards Officer.

- d) 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:

- i. appropriate location and dimension for signs advertising home occupations;
- ii. criteria for locating signs and awnings in the Downtown and Harbour area;
- iii. conformity with the “Streetscape Guidelines” adopted by the Municipality;
- iv. criteria for locating signs on public streets and on public lands; and,
- v. 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.

5.16 FINANCE

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.

- a) The Municipality shall not grant approval to any development unless it is in a financial position to provide the services required by such development.

- b) The Municipality shall promote the establishment of a diverse and stable economic base both in terms of job opportunities and tax revenue.

5.17 PUBLIC WORKS AND THE OFFICIAL PLAN

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

5.18 SEWER SYSTEM AND MUNICIPAL WATER PHASING

This Plan promotes the installation and hook-up of full municipal services throughout the Plan area but recognizes that this level of infrastructure is not realistic due to physical and economic constraints.

As such, this Plan provided for development on private services, partial services and for municipal services. Essentially, the Plan encourages wet uses, of those producing large amounts of wastewater, to be located in areas serviced by municipal sewer systems.

- (a) It is the intention of the Municipality to expand the existing level of municipal servicing to areas that can be reasonably serviced with sanitary sewers and/or municipal water.
- b) In order to ensure that new developments are properly serviced, proponents of new development shall be required to provide information and/or plans addressing the following items:
 - i) sanitary sewers, including all necessary manholes, and service connections to each lot;
 - ii) water mains, hydrants, valves, valve chambers, and connecting services to each lot;
 - iii) road width, surfacing, elevations, etc.;
 - iv) storm water drainage works and overland surface water flow, diversion of weeping tile or roof drainage from the sanitary system;
 - v) seeding or sodding of boulevards between curb line to property line driveway entrances;
 - vi) foot and cycle paths;
 - vii) electrical distribution, street lighting and street signs; and
 - viii) where development is proposed on individual or communal water supply and

subsurface sewage treatment systems , information on availability of bedrock water supplies and potential interference with nearby wells, 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 cumulative impacts.