

**THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE**

**BY-LAW NO. 2010 –**

**A BY-LAW TO ADOPT AMENDMENT NO. \_\_\_  
TO THE OFFICIAL PLAN OF THE MUNICIPALITY OF KINCARDINE**

**THE COUNCIL OF THE MUNICIPALITY OF KINCARDINE, PURSUANT TO  
SECTION 17 OF THE PLANNING ACT, R.S.O. 1990 ENACTS AS FOLLOWS:**

1. That Amendment No. \_\_\_ to the Official Plan of the Municipality of Kincardine, which is attached to and forms part of this By-law, is hereby adopted.
2. That the Clerk is hereby directed to forward the adopted Amendment together with the necessary supporting documentation to the County of Bruce for final approval.

**READ a FIRST and SECOND** time this \_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**READ a THIRD** time and **FINALLY PASSED** this \_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

## **PART B – THE AMENDMENT**

### **INTRODUCTORY STATEMENT**

All of this part of the document entitled "Part B – The Amendment" and consisting of the following text and attached map designated as Schedule 'C', constitutes Amendment No. 1 to the Official Plan of the Municipality of Kincardine.

### **DETAILS OF THE AMENDMENT**

The Official Plan of the Municipality of Kincardine is hereby amended as follows:

- (1) That Schedule 'C' to the Official Plan of the Municipality of Kincardine is hereby amended as follows:**

Schedule 'C' is deleted and replaced with a new Schedule 'C' thereby changing the land use designations from "Shoreline", "Natural Environment", "Industrial", and "Open Space" to "Shoreline Infill Residential", "Shoreline Community", "Natural Heritage System", "Industrial", and "Open Space" as outlined in the attached Schedule 'C'.

- (2) That Section C1.3.5 shall be revised by replacing "Shoreline" with "shoreline".**
- (3) That the second paragraph of Section C2.3.2 shall be revised by deleting "and 'C'" in the first paragraph.**
- (4) That Section C2.3.4 shall be revised by adding, "the Natural Heritage System as illustrated on Schedule 'C'" after "Section C2.3.2" and adding "and the Natural Heritage System" after the second reference to "features".**
- (5) That the second sentence in Section C2.3.4 shall be moved into a new Section C2.3.5 and existing Sections C2.3.5 through C2.3.8 shall be renumbered accordingly.**
- (6) That Section C2.3.8 shall be revised by adding to the end of the first paragraph the following text:**

"Such study has been completed for lands within Schedule 'C'."
- (7) That the preamble to Section "D" DETAILED LAND USE POLICIES shall be revised by deleting "Shoreline" and adding "Shoreline Infill Residential, Shoreline Community, Natural Heritage System".**
- (8) That Section D1.4.15b be revised by replacing "Lake Huron Shoreline" with "Lake Huron shoreline".**
- (9) That Section D2.7.1 be revised by replacing "Shoreline" with "Shoreline Community".**

- (10) That Section D6.4.10 shall be revised by adding “within the lands on Schedule ‘A’” after waterfront.
- (11) That Section D7.2.4 shall be revised by replacing “Lake Huron Shoreline” with “Lake Huron shoreline”.
- (12) That Section D7.6e) shall be revised by deleting “or ‘C’”.
- (13) The Section D8 title be changed from “Shoreline” to “Shoreline Infill Residential”
- (14) That Section D8.1 shall be deleted and replaced with the following text:

**“D8.1 GOAL**

- a) To permit limited seasonal and permanent infill residential development within the developed areas of the Lakeshore Area.
  - b) To maintain, protect and where possible enhance the natural vegetation within the development area of the designation.
  - c) To maintain the lands adjacent to the Lake Huron shoreline in a naturalized form where possible.
  - d) To provide for linkage functions between Lake Huron and the terrestrial and riparian components of the natural heritage system.
  - e) To recognize and protect the Natural Heritage System as shown on Schedule ‘C’.”
- (15) That Section D8.2 b), e) and h) be deleted, and Sections D8.2 a), c), d), f), g) and i) be renumbered and revised adding the following underlined text and deleting the ~~strikeout~~ text:

**D8.2 OBJECTIVES**

- a) To formulate policies and development standards designed to achieve orderly, compatible and attractive infill development.
- b) To protect those undeveloped shoreline areas for future public recreation and open space as well as for natural ecological purposes.
- c) To ~~ensure the maintenance~~ maintain the developed portions of the Shoreline Area and ~~Inverhuron~~ as a residential resort and cottaging area.
- d) To discourage large traffic volumes within the residential portions of the Plan Shoreline Infill Residential area and to the beaches.
- e) To recognize areas having limited municipal services and prevent the need to extend

services to these areas except to address environmental or health problems.

- f) To maintain and improve public access to the shoreline while limiting access in sensitive ecological areas and ensuring natural linkages to the shoreline are maintained and enhanced.

**(16) That Section D8.3 shall be deleted and replaced with the following:**

“The predominant use of land designated Shoreline Infill Residential shall be for detached residential dwellings occupied on a permanent or seasonal basis. In addition, other complimentary and compatible uses such as public parks, public utilities, bed and breakfast establishments, and existing non-intensive agricultural uses, will also be permitted.”

**(17) That Section D.8.4.1 be revised to add “Infill Residential” after “Shoreline”.**

**(18) That Section D8.4.4 be revised by adding the following underlined text and deleting the ~~strikeout~~ text:**

D8.4.4 The Lake Huron lakeshore and beach areas shall ~~will~~ be retained in its natural state ~~where possible~~. The shoreline / beachfront area shall be recognized as a significant natural coastal corridor. Where possible, a *vegetation protection zone* shall be maintained along the shoreline through a variety of mechanisms such as stewardship by existing private landowners; zoning, easements and/or site plan conditions applied through development applications and/or dedication of lands adjacent of lands adjacent to shoreline at tie of development approval. ~~and the~~ Council will take measures to prohibit vehicular access to the lakeshore. Public access points shall be designed to avoid sensitive ecological areas.

**(19) That Section D8.4.5 be revised as by adding the following text to the end of the paragraph “and provided such access points avoid sensitive ecological areas.”**

**(20) That Section D8.4.7 be revised by adding the following underlined text:**

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

**(21) That Section D8.4.9 be deleted and replaced with the following text:**

“D.8.4.9 It is the intention of Council to limit future development within the Shoreline Infill Residential designation to infill residential development on existing roads. Such infill housing may occur on vacant lots, through severance of existing lots

or through the creation of additional new lots from a larger parcel. Where more than two lots are being created, the development shall proceed by way of draft plan of subdivision approval and such subdivision shall provide natural linkages between the Lake and the Natural Heritage System to the east. Such linkages shall be dedicated to the appropriate Public Authority.

Notwithstanding Section G2.4c), the measurement of infill shall be limited to lands within the designation as shown on Schedule 'C'."

**(22) That Section D8.4.10 be deleted and replaced with the following text:**

"New development within the Shoreline Infill Residential designation shall maintain a significant portion of natural tree cover on the lot as set out in Section 8.5."

**(23) That a new Section D8.4.12 shall be added:**

"D8.4.12 Any new development and/or redevelopment shall be subject to the design criteria as set out in Section D8.5 and as implemented through the site plan approval process."

**(24) That a new Section D8.4.13 shall be added as follows:**

"D.8.4.13 On lands adjacent to the Natural Heritage System designation, the Municipality may require the completion of an Environmental Impact Study in accordance with the criteria outlined in Section 7.6 of this Plan, to ensure there are no negative impacts of the proposal on the features and functions of the adjacent Natural Heritage System.

**(25) That Section title "D8.5 Shoreline Residential Uses" be deleted.**

**(26) That the first two sentences of Section D8.5.1 and the heading "Permitted Uses" be deleted and that the remainder of the section be renumbered D.8.4.14.**

**(27) That Section heading "D8.5.2 Policies" be deleted.**

**(28) That Section D8.5.2.1 be deleted and replaced with the following text and renumbered as D8.5:**

New Development and Redevelopment

- a) Development shall have a minimum of 25% of the area of the lot devoted to and maintained as naturalized open space with natural vegetation cover. Naturalized

open space shall mean any combination of indigenous trees, shrubs, flowers, grass or other such elements.

- b) Development shall contain a maximum coverage of 30% which shall, include paving, areas used for sewage disposal systems, swimming pools, accessory buildings and structures including gazebos, and any hard surfaced walk or patio or similar area including any driveway, parking area or ramp, whether surfaced or not.
- c) Fill and grading plans shall be submitted through the site plan approval process and/or building permit process. Such plans shall demonstrate that lot grading and fill practices shall minimize impact on the adjacent Natural Heritage System and any trees proposed to be retained on the lot.
- d) Naturalized landscaping shall be encouraged on existing and new lots and particularly adjacent to the Natural Heritage System.
- e) New buildings, structures, driveways and other paving and septic systems, on existing lots abutting the Lake Huron Shoreline, shall be directed to the front 25 metres of the lot abutting the street. The remainder of the lot adjacent to the shoreline shall be maintained in a naturally vegetated state.
- f) The creation of new lots abutting the Lake Huron Shoreline shall provide a *vegetation protection zone* of at least 60 metres where possible to be measured from the *100 year lake level* plus 15 metres measured horizontally inland.
- g) Erosion and sediment control plans shall be implemented for those areas that drain to the natural heritage system.
- h) Development shall be required to provide a tree survey and analysis for any trees proposed for removal. The Municipality may require replacement for trees removed either on the lot or in an area acceptable to the Municipality.
- i) Consideration shall be given to the implementation of a post development monitoring program to determine impacts on the natural heritage system and to recommend any mitigative measures.
- j) The Municipality of Kincardine and the County of Bruce may consider the design and installation of wildlife crossing structures such as underpasses, overpasses and fencing in those areas where roads cross identified wildlife linkages.
- k) Where more than two new lots are proposed, a naturalized linkage shall be established approximately every 100 metres and where possible corresponding to existing linkages on the opposite side of the road. The width of the linkage shall be determined by the Municipality in consultation with the SVCA but shall generally be in the range of 30 metres.

- l) All new development or expansions of existing buildings of greater than 15% within the Shoreline Infill Residential designation is subject to Site Plan Approval.
- m) The Municipality of Kincardine shall proceed with the drafting and implementation of a tree by-law to address the removal and replacement of trees on private property.”
- (29) **That Section D8.5.2.2 be renumbered to D8.6; that the first paragraph be renumbered “a”; that a second paragraph be added as follows: “b) Municipal servicing standards shall be met for development on existing lots of record”; that the second paragraph be renumbered “c” and that the third paragraph be renumbered “d”.**
- (30) **That Section D8.5.2.3 be renumbered to D8.7 and that the first paragraph be numbered a) and that “or Partial Services” be added to the end; That the second paragraph be numbered i) and that all wording after the first sentence be deleted; That the third paragraph be numbered (ii) and add to the end of the sentence “and are on full municipal services”; That the fourth paragraph be numbered b); That the fifth paragraph be numbered i); and That the sixth paragraph be deleted.**
- (31) **That Section D8.5.2.4 be renumbered D8.8.**
- (32) **That Section D8.5.2.5 shall be renumbered as D8.9 and revised in the first sentence by deleting “50 m wide measured from the high water level or the lands defined as flood plain or hazard lands, whichever is greater” and replacing with “60 m wide measured from the 100 year lake level plus 15 metres measured horizontally inland”; that the following text be added to the end of the first sentence: “where feasible”; that the second paragraph is revised by deleting “50m” and replacing with “60 m”: that the first paragraph is numbered a); that the second paragraph is numbered b); and that the third paragraph is numbered c).**
- (33) **That Section D8.5.2.6 shall be deleted.**
- (34) **That Section D8.5.2.7 shall be renumbered to D8.10 and revised by adding “a)” before the first paragraph and by replacing “Restricted Area By-law” with “Comprehensive Zoning By-law”**
- (35) **That a new Section D8.10 b) shall be added as follows:**
- “b) The Municipality shall prepare a stewardship brochure to educate homeowners about the benefit and attributes of the natural features in the area and to advise them of good stewardship practices. The brochure shall be provided to all new property owners at the time of purchase or at the time of building permit for existing landowners. The brochure should:

- i) briefly describe, in non-technical language and with photographs and/or graphics, the specific environmental features and sensitivities in the immediate area as well as in the context of the significance of the larger Natural Heritage system along the shoreline;
  - ii) explain, that as residents of this area, there is a collective responsibility for maintaining local environmental quality;
  - iii) provide a brief summary of the typical negative impacts associated with development;
  - iv) provide suggestions for stewardship that will contribute to the protection of environmental features of the NHS, such as trail etiquette, pet control, benefits of native landscaping, etc., and
  - v) identify the Municipality, SVCA or other relevant agency as a contact(s) and resources (e.g., local naturalists clubs) for further information.”
- c) If the Municipality has not produced such brochure, the first application received by the Municipality for draft plan approval of a plan of subdivision of more than 5 lots shall be required to assist the Municipality in the preparation of the brochure as a condition of draft approval.”

**(36) That Section D8.6 shall be renumbered D10.6 and all subsections renumbered accordingly.**

**(37) That Section D.8.6.1 be renumbered to D10.6.1 and that the first sentence be deleted.**

**(38) That Section D8.6.3 be renumbered to D10.6.3 and be revised by adding “Tourist” before “Commercial in the first sentence and by replacing “Resort” with “Tourist” in the second sentence.**

**(39) That Section 8.6.4 be renumbered D10.6.4 and that the first paragraph be deleted and replaced with the following text:**

**“The Zoning By-law standards will establish standards for tourist commercial developments that reflect the character of the existing development in the Municipality. As such, tourist commercial developments may be permitted on the basis of a ratio of units per waterfront frontage and a maximum density based on units per hectare where a unit is defined as:”;**

**And that the second paragraph be revised by deleting the first sentence.**

**(40) That a new Section D10 shall be added:**

**“D10 SHORELINE COMMUNITY**

### **D10.1 GOAL**

- a) To promote the establishment of a resort community that will satisfy, to some degree, the Provincial and local demand for recreational development and encourage an orderly and efficient pattern of land use in the Lakeshore Area.
- b) To provide the amenities and features associated with a resort community including public open space areas and recreational facilities, waterfront access and commercial services.
- c) To recognize and preserve the historic character of Inverhuron by encouraging new development to reflect elements of the community character in building design.
- d) To establish a basis of permitting the development and redevelopment of Inverhuron as a permanent residential settlement on the basis of full municipal services or otherwise as may be appropriate.

### **D10.2 OBJECTIVES**

- a) To formulate policies and development standards designed to achieve orderly, compatible and attractive development
- b) To provide for additional permanent and season residential on full municipal services.
- c) To ensure the maintenance of Inverhuron and other Shoreline Community designated clusters as residential, resort and cottaging areas.
- d) To develop an efficient pedestrian and vehicular circulation system and parking supply.
- e) To discourage large traffic volumes within the residential portions of the Shoreline Community and to the beaches.
- f) To plan for full sewer and water services for these areas.
- g) To maintain and improve public access to the shoreline.

### **D10.3 PERMITTED USES**

The permitted uses in the Shoreline Community designation shall include seasonal dwellings and a variety of permanent residential housing forms, home

occupations, tourist commercial uses, convenience commercial uses, institutional uses, public parks, campgrounds, and recreational and open space uses.

#### **D10.4 GENERAL DEVELOPMENT POLICIES**

- D10.4.1 Development in this area shall only proceed when a complete and comprehensive evaluation of a development proposal has taken place.
- D10.4.2 Future development shall occur on public roads built to Municipal standards. Services such as school bussing, garbage collection and snow ploughing will not be provided to development on existing private roads.
- D10.4.3 Council will encourage the acquisition of points of public access and public open space areas along the Lake Huron shoreline where such become available, for the purposes of developing water oriented public recreation areas.
- D10.4.4 The Lake Huron lakeshore and beach areas shall be retained in its natural state. The shoreline / beachfront area shall be recognized as a significant natural coastal corridor. Where new lots are proposed adjacent to the lakeshore, a minimum 60 metre *vegetation protection zone* extending from the *100 year lake level* plus 15 metres measured horizontally inland shall be maintained where feasible.
- D.10.4.5 New buildings, structures, driveways and other paving and septic systems, on existing lots abutting the Lake Huron Shoreline, shall be directed to the front 25 metres of the lot abutting the street. The remainder of the lot adjacent to the shoreline shall be maintained in a naturalized vegetated state.
- D.10.4.6 Council will take measures to prohibit vehicular access to the shoreline/beachfront. Public access points shall be designed to avoid sensitive ecological areas.
- D10.4.5 All new development, which is not along the waterfront, must attempt to provide a service access to the waterfront for its residents either through easements or special agreements with waterfront owners for access, or through linkages of the internal pedestrian movement system with existing public rights-of-way and access points. The Municipality will encourage the provision of access through open space corridors to the lake, where ever possible and provided such access points avoid sensitive ecological areas.
- D10.4.6 Development will not be permitted where such development would result in surrounding lands becoming landlocked or where the opportunity for the provision of appropriate road access to adjacent lands is not maintained.
- D10.4.7 It is the intention of Council to control future development so as to ensure that growth occurs in a logical and progressive manner from the built-up area to

facilitate a continuity and efficient utilization of road and services. In this regard, new development will be discouraged where services such as roads, water and sewage lines must be extended through vacant or undeveloped parcels of land unless the appropriate agreements are in place to enable the intervening lands to utilize those services.

D10.4.8 Written permission may be required from the Saugeen Valley Conservation Authority pursuant to Ontario Regulation 97/04 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses where development or site grading is proposed within a Regulated Area as shown on schedules filed with the SVCA where such mapping exists or otherwise generally within or near the Natural Environment designation.

D10.4.10 Any development of new lots or of additional units on a lot shall be required to undertake a stormwater and drainage study to address stormwater management requirements on the property as well as address the seasonal flooding conditions that occur within Inverhuron. Such study shall consider the *Inverhuron Flood Control Study* and identify means by which the development could alleviate or contribute to the alleviation of the season flood problem.

## **D10.5 SHORELINE COMMUNITY RESIDENTIAL USES**

### **D10.5.1 Permitted Uses**

- a) The predominant use of land designated Shoreline Community shall be for residential dwelling units occupied on a permanent or seasonal basis. Where sanitary sewers are available and subject to site plan control, multiple-attached dwelling units or apartment style dwelling units may be considered provided provisions for open space and parking are made and servicing requirements are met. When considering applications for multiple-attached dwelling units or apartment style dwelling units, a transition from existing adjacent lower density development shall be considered, with regard to the proposed scale, height and density of new development, to minimize impact on existing houses and maximize compatibility. The conversion of homes into apartment units may be permitted subject to the provisions of the Zoning By-law and the adequacy of the lot services and matters of compatibility as discussed above.
- b) Mobile homes on individual lots shall not be permitted as the primary residence. Mobile homes will be encouraged to locate in mobile home parks.
- c) Uses of land which are complementary to and compatible with Residential uses shall also be permitted. Such uses include:
  - Institutional Uses in accordance with Section D5;
  - Open Space Uses in accordance with Section D6;
  - Home Occupations;

- Local Commercial Uses in accordance with Section D10.6
- Bed and Breakfast Establishments.

## **D10.5.2 Policies**

### **D10.5.2.1 New Development**

- a) New development will generally take place by registered plan(s) of subdivision or condominium. Consents for new lots may be permitted for infilling or minor extensions to the built-up area.
- b) Lineal subdivision development will be discouraged and preference will be given to subdivisions that utilize a cluster design and orient public space to the lakeshore.
- c) When reviewing proposals for new residential development the approval authority shall review the proposal in the context of the growth targets outlined in Section B1.4 and the housing targets outlined in Section D1.4.
- c) On lands adjacent to the Natural Heritage System designation, the Municipality may require the completion of an Environmental Impact Study in accordance with the criteria outlined in Section 7.6 of this Plan, to ensure there are no negative impacts of the proposal on the features and functions of the adjacent Natural Heritage System.
- d) Shoreline Community areas shall develop in a manner that is phased and compact. Development shall not be permitted which would adversely affect a sensitive natural area or a site of historical, geological or archaeological significance. The retention of natural vegetation shall be encouraged where possible.

### **D10.5.2.2 Development and Servicing Standards**

- a) Any development in excess of three units or lots on private services shall be supported by a servicing options report outlining the most appropriate form of servicing for the development in accordance with Section E, Municipal Services.
- b) Municipal servicing standards shall be met for development on existing lots of record.
- c) Storm drainage shall be considered in all development applications and will be

required to comply with the standards of the appropriate Approval Authority.

- d) In order to avoid causing undue hardship on those existing lots which were created in the past on private substandard roads, it is the policy of this Plan that such lots may be zoned to permit the construction of a residential dwelling where there is no desire by the residents to see the roads taken over by the Municipality, or where the Municipality is not interested in assuming the road subject to:
  - i) a minimum lot area of 1,000 m<sup>2</sup> (10,764 sq. ft.) and a minimum lot frontage of 15 m (50 ft.);
  - ii) satisfactory arrangements being made for the provision of emergency vehicle access to the lots;
  - iii) Any necessary arrangements including a registerable agreement being entered into between the owner and the municipality regarding the provision of municipal services to the lot; and,
  - iv) Any other applicable policies contained in this plan.
- e) Area Specific Policy as shown on Schedule 'C' – Lakeshore Area Land use Plan
  - i) All future development shall be on full municipal services.

On site servicing costs will be borne by the developer.

#### **D10.5.2.3 Density for Shoreline Community Residential Uses**

- a) Lots Serviced by Full Municipal Services or Communal Services
  - i) The average density for plans of subdivision and condominium containing 5 or more units shall be 15 dwelling units per *gross developable hectare*.
  - ii) A lesser or greater density may be considered based on the character of the existing houses in the area and the ability to provide a transition from existing adjacent lower density housing.
  - iii) The density of infill development consisting of less than 5 lots shall be in keeping with the character of the existing lot fabric on adjacent properties.
- b) Lots Serviced by Private Waste Disposal ~~and~~ or Private Water
  - i) The minimum lot area for all new development shall be no less than 1.0 ha per lot unless a smaller lot size is supported by a 'Hydrogeological Report' and 'Sewage Disposal Suitability Report' as outlined in Section 'E' Municipal Services.

#### **D10.5.2.4 Policies for Dwellings for Year Round Occupancy**

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

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

#### **D10.5.2.5 Parks and Landscaping**

- a) Where a plan of subdivision, condominium or consent includes lakefront property, a continuous public waterfront strip, up to 60 m wide measured from, the *100-year lake level* plus 15 metres measured horizontally inland, should be conveyed to the municipality, together with suitable public pedestrian access. Where these lands are not considered environmentally sensitive such dedications may be considered as part or all of the parkland dedication required under the provisions of The Planning Act. On inland developments, walkways will be provided and designed so as to link adjacent open space or other walkways leading to the lakeshore.
- b) The Municipality of Kincardine holds a marine allowance along the Lake Huron shoreline, which is available for public use. Because of fluctuations in the high water mark, the marine allowance can be considered as part of the above mentioned 60 m public waterfront strip.
- c) Applicants will be required to retain and protect natural features and as much tree cover as possible. In areas of significant woodlands a tree preservation plan shall

be required.

#### **D10.5.2.6 Implementation**

- a) Each land use designation shall be reflected in a separate category in the implementing Comprehensive Zoning By-Law.
- b) The Municipality shall prepare a stewardship brochure to educate the homeowners about the benefit and attributes of the natural features in the area and to advise them of good stewardship practices. The brochure shall be provided to all new property owners at the time of purchase or at the time of building permit for existing landowners. The brochure should:
  - i) Briefly describe, in non-technical language and with photographs and/or graphics, the specific environmental features and sensitivities in the immediate area as well as in the context of the significance of the larger Natural Heritage System along the shoreline;
  - ii) Explain, that as residents of this area, there is a collective responsibility for maintaining local environmental quality;
  - iii) Provide a brief summary of the typical negative impacts associated with development;
  - iv) Provide suggestions for stewardship that will contribute to the protection of environmental features of the NHS, such as trail etiquette, pet control, benefits of native landscaping, etc., and
  - v) Identify the Municipality, SVCA or other relevant agency as a contact(s) and resources (e.g., local naturalists clubs) for further information.”
- c) If the Municipality has not produced such brochure, the first application received by the Municipality for draft plan approval of a plan of subdivision of more than 5 lots shall be required to assist the Municipality in the preparation of the brochure as a condition of draft approval.

**(41) That a new Section D11 shall be added:**

#### **“D11 NATURAL HERITAGE SYSTEM**

##### **D11.1 GOAL**

- a) To protect the significant natural heritage features and functions of the area within a well-connected NHS designed to support:

- i) retention of current biodiversity;
  - ii) linkages to facilitate migration and movement of flora and fauna within the Lakeshore Area and beyond;
  - iii) protection of current water quality and aquatic resources;
  - iv) continuation of the ecological functions provided by natural features identified as significant; and
  - v) opportunities for natural regeneration and habitat restoration.
- b) To maximize the conservation of native plant and animal species.
  - c) To allow natural processes of disturbance to occur (e.g., wetland creation by beaver dams) as long as they do not threaten property or human safety.

## **D11.2 OBJECTIVES**

- D11.2.1 To recognize the unique and diverse ecological features and functions found within the Lakeshore Area.
- D11.2.2 To create a Natural Heritage System, which ensures the protection of significant features, habitat and the species movement over the long term.
- D11.2.3 To protect, maintain and enhance Terrestrial and Riparian linkages.
- D11.2.4 To direct development to lands outside of the NHS.
- D11.2.5 To buffer the Natural Heritage System from surrounding development.

## **D11.3 GENERAL PRINCIPLES**

- a) The Natural Heritage System designation is comprised of patches of natural heritage features containing wetlands, Environmentally Sensitive Areas (ESA), provincially, regionally or locally rare species or communities, significant woodlands greater than 7.6 hectares, significant woodlands with more than 0.5 ha of interior forest, significant wildlife habitat and fish habitat, and Areas of Natural and Scientific Interest (ANSIs); as well as patches located within valley lands, within 50 metres of an open watercourse, within 150 metres of an ANSI and within 750 metres of a wetland; and lands that provide a linkage function.
- b) Development and site alteration shall not be permitted in areas designated Natural Heritage System.

- c) The Natural Heritage System along the Lakeshore Area should be considered a significant coastal corridor and this function protected.
- d) Designation of lands within the Natural Heritage System does not imply intent of the Municipality or other public agencies to purchase such lands, nor does it imply their use as publicly accessible open space.
- e) Lands identified within the Natural Heritage System ~~will not~~ may be accepted as part of the park dedication required by the *Planning Act* but conveyance of these areas to a public authority will be encouraged as part of the development process.
- f) Removal, damage or modification of natural features within the Natural Heritage System, through natural or other causes, will not result in their deletion from the Natural Heritage System without the review and consent of the Municipality and all policies will continue to apply as though the feature had not been altered.

#### **D11.4 PERMITTED USES**

- a) The predominant uses of land within the Natural Heritage System designation shall be conservation and preservation of the natural environment and passive outdoor recreation. No development or site alteration is permitted except for conservation, flood control or linear infrastructure works.
- b) Approval of the Saugeen Valley Conservation Authority shall be obtained for any permitted use, where required under the SVCA's Regulations.

#### **D11.5 POLICIES**

The following policies apply to the Natural Heritage System designation:

- a) The erection of buildings and structures or the placing or removal of fill of any kind, whether originating on the site or elsewhere, within the Natural Heritage System is prohibited. Minor extensions or enlargements of existing buildings and structures shall be discouraged.
- b) Buildings and structures that must be located within the Natural Heritage System by the nature of their use, such as for flood or erosion control, are permitted. Nonetheless, any building or structure which could be located outside the Natural Heritage System is not permitted.
- c) Notwithstanding Section 11.5 b), on lots of record, one single detached dwelling is permitted provided it is situated on the lot where the least impact on the Natural Heritage System is created and it is not within a natural hazard area.

- d) The boundaries of the Natural Heritage System are delineated on the attached Schedule 'C'. The exact location of the boundaries of the Natural Environment Area shall be further delineated in the implementing Zoning By-law.
- e) Landowners are encouraged to reforest or naturalize lands within the Natural Heritage System to enhance the ecological function of the lands and to enhance natural connections.
- f) As part of the development application process, the boundaries of the Natural Heritage System may be refined where the Municipality determines that the existing mapping requires further delineation. The EIS shall not be used to encroach further into the Natural Heritage System, only to provide refinement of boundaries.
- g) As part of the development application process, a buffer may be required adjacent to the Natural Heritage System that is of sufficient size to ensure the protection of the ecological features and functions present within the Natural Heritage System.
- h) The boundaries of the Natural Heritage System components shall be defined by the greater of the following boundaries:
  - i) *Habitat patches* containing rare species;
  - ii) *Habitat patches* containing ANSIs, ESAs, or wetlands;
  - iii) *Habitat patches* within 150 m of ANSIs;
  - iv) *Habitat patches* within 750 m of wetlands;
  - v) *Woodland habitat patches* greater than 7.6 ha;
  - vi) *Woodland habitat patches* with more than 0.5 ha of forest-interior;
  - vii) *Habitat patches* within identified wellhead capture zones or intrinsic groundwater susceptibility areas;
  - viii) *Habitat patches* within 50 m of the edge of an open watercourse;
  - ix) *Habitat patches* containing documented significant wildlife habitat;
  - x) *Habitat patches* within significant valley lands;
- i) In addition to the *habitat patches* listed in D11.5h), linkages between otherwise isolated habitat patches are an integral part of the Natural

Heritage System and include:

- i) Riparian Linkages corresponding to riparian corridors and other hazard lands identified by the SVCA.
  - ii) Terrestrial Linkages.
- j) The intent of linkages (riparian and terrestrial) is to encourage the movement of flora and fauna. Naturalization of linkages should be encouraged and supported wherever feasible, and particularly in cases where they are associated with more intensive land uses such as residential, commercial or industrial development.
- k) New crossings of the Natural Heritage System by roads and linear infrastructure (servicing, sanitary sewers, etc.) are generally discouraged but shall be permitted subject to the completion of an EIS or Class Environmental Assessment, where applicable, which identifies all impacts related to the proposed infrastructure and identifies mechanisms for minimizing impacts to the ecological features and to short and long term functions such as wildlife movement and hydrologic functions. Examples of mitigation, to facilitate wildlife movement and be generally supportive of the Natural Heritage System, may include:
- underpasses constructed in association with a permanent or intermittent watercourses should that include sufficient terrestrial habitat along the watercourse;
  - terrestrial underpasses located in confirmed wildlife corridors;
  - modified road design standards to minimize the short and longer term impacts of required infrastructure (e.g., reduced road width, sidewalk on one side only, utilities located beneath the road, special road lighting, reduced traffic speeds, warning road signs, etc.);
  - consideration of topography and drainage in sighting the crossing; and
  - design of crossing to prevent road de-icing salts (and other chemicals) from entering watercourses and wetlands.
- l) The Municipality may require as a condition of draft plan of subdivision approval for new lots adjacent to any portion of the Natural Heritage System that a monitoring plan be developed, at the proponent's expense. Such monitoring plan shall:
- i) Ensure that all EIS recommendations regarding protection and

mitigation are undertaken and implemented during construction;

- ii) Ensures that the ecological features and functions for which the patch has been designated remain intact during construction and within one year following development; and
- iii) The results of the monitoring shall be provided to the Municipality and the SVCA at intervals set out in the draft plan conditions”.

**(42) That a new Section D12 shall be added:**

**“D12 HAZARD LANDS**

D12.1 The Hazard Lands designation shown on Schedule ‘C’ represents an overlay designation. Lands within this designation will be subject to the policies of Section D7.1 through D7.5 exclusive of D7.5 g) and D.7.5 l)ii) in addition to the policies of the underlying designation. The more restrictive policies shall apply in all cases.”

**(43) That Section E3.8.1 first sentence be revised by replacing “Shoreline” with “Shoreline Infill Residential and Shoreline Community”.**

**(44) That Section E3.8.3 be revised in the first and second sentences to replace “Shoreline” with “Shoreline Infill Residential and Shoreline Community”.**

**(45) That Section E3.8.4 first sentence be revised by replacing “Shoreline” with “Shoreline Infill Residential”and ‘Shoreline Community’.**

**(46) That Section E3.11 be revised to delete the second paragraph in its entirety, starting at “Partial services...”**

**(47) That Section G2.3d) be revised by adding after “Development Constraint” the following “or on lands adjacent to a Natural Heritage System designation”.**

**(48) That Section G2.4i) be revised by adding after “Development Constraint” the following “or on lands adjacent to a Natural Heritage System designation”.**

**(49) That a new Section H13 DEFINITIONS by added as follows:**

**“100 YEAR LAKE LEVEL -** means the level of Lake Huron as shown on the SVCA flood and erosion risk mapping dated 1988 and as updated from time to time.

**HABITAT PATCH(ES) –** means an area of naturally occurring vegetation community that is greater than 0.5ha in size. A habitat patch may be comprised of one or more vegetation communities based on Ecological Land Classification (ELC) occurring in both

terrestrial (i.e., woodlot/grassland) and aquatic (i.e., wetland/streams) environments and may include such communities as:

- Hedgerows;
- Forest (deciduous, coniferous or mixed);
- Shrub/thicket (not including those still under strong cultural influences such as grazing, etc.);
- Wetlands (swamps, marshes, fens and bogs);
- Aquatic features (lakes, ponds, rivers associated with vegetation communities that can be classified using ELC);
- Sand Barrens, Beaches, Bluffs and Dunes;
- Other rare vegetation communities as defined by OMNR or the Great Lakes Conservation Blueprint (Henson and Brodribb 2005).

but shall exclude:

- Cultivated orchards;
- Managed plantations;
- Farm fields; and
- Old farm fields that are capable of being cultivated.

Open inclusions (i.e., non-natural vegetated communities enclosed by other patches) that are less than 25 m in width and/or less than 25% of the patch area shall be included in the patch.

**VEGETATION PROTECTION ZONE** - means a vegetated buffer area adjacent to a natural feature, consisting of naturalized vegetation within which development is generally not permitted.

**GROSS DEVELOPABLE HECTARE** – means the total area of the development minus the area of any lands containing hazard lands or Natural Heritage System or similar constraint.”

## **IMPLEMENTATION AND INTERPRETATION**

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Municipality of Kincardine Official Plan, Zoning By-law, Subdivision and Site Plan Agreements.

## **Municipality of Kincardine Official Plan Amendment No.**

### **EXPLANATORY NOTE**

**Re: Official Plan Amendment No.**

Official Plan Amendment No.     has the following purpose and effect:

To Amend the Municipality of Kincardine Official Plan to redesignate the lands on Schedule 'C'. The amendment is to incorporate the policies that were drafted as a result of the Natural Heritage Implementation Study. The policies restructure the landuse designations in the Lakeshore Area to separate them into three designations as shown on Schedule 'C' as follows:

Shoreline Infill Residential

Shoreline Community

Natural Heritage System

Specific policies have been included in the amendment to provide protection for the natural heritage system, direct growth and development to appropriate areas and provide direction as to how growth and development should occur. The Official Plan policies shall be implemented by way of site specific zoning by-law.