

Decision

With respect to an Official Plan Amendment
Subsection 17(34) of the Planning Act, R.S.O. 1990

The Approval Authority of the County of Bruce hereby approves (with modifications as set out in Schedule A below) the Municipality of Kincardine New Official Plan (Comprehensive Review Exercise), as adopted by Municipality of Kincardine on January 11, 2021.

Dated at the County of Bruce this day of April, 2021

Director, Planning and Development
Corporation of the County of Bruce

Schedule A - Modifications

Appendix A - Proposed Modifications

Map Schedules:

- Updates to the delineation of the Natural Environment designation for Ontario Peninsula Farms property to reflect further site investigations by SVCA staff.
- Inclusion of the Development Constraints Overlay to Schedule A-1 as requested by the SVCA. The inclusion of the overlay does not result in any additional policy requirements. It confirms the location of the overlay area that is referenced in Section D7.10 (Development Constraints). The Development Constraints Overlay is currently on Schedule A to the in-effect Official Plan.

Text:

- Modification of the date noted on the cover page to acknowledge the adoption date by the Municipality and approval date by the County. [For greater clarity]
- Removal of the unsigned Draft Approval Bylaw on the second page of the document [For greater clarity]
- Removal the header reading “Final for Council approval: December 2020” throughout the document [For greater clarity]
- **Section D1.4.21:** revised e) to reference “ASP D1.4.21e)”, rather than “ASP D1.2.21e)” [To correct a referencing error]
- **Section D7.3.1:** add wording, “The appropriate land use schedules will be updated at the time of a future Official Plan update or house-keeping exercise.” [To add clarification on when refinements (not requiring an amendment) to the Natural Environment designation will be reflected on the appropriate land use schedule]
- **Section D7.5** modified a) as follows:
The erection of buildings, ~~and~~ structures ~~is generally prohibited~~ and ~~S~~site alteration, including the placing or removal of fill of any kind, whether originating on the site or elsewhere, or clearing of vegetation within a Natural Environment Area is **generally** prohibited, **except as otherwise permitted within the policies of D7.5**. Minor extensions or enlargements of existing buildings and structures shall be discouraged and will only be permitted if it is shown...
[Ensures consistency with other policies in the Official Plan]

Section D7.9: delete current wording and replace with the following:

“NATURAL ENVIRONMENT EXCEPTION - BROADWAY STREET

Notwithstanding the Natural Environment designation, and the uses prohibited by Section D7.5a, the property referred to as 741 Broadway Street (LOTS C, D, & E. REGISTERED PLAN 61) may be developed in accordance with the uses contemplated in the R4-d zone (as affirmed through OMB Decision 0957, July 15, 2003) subject to obtaining required permits from the Municipality and SVCA to allow construction.”

[Implements Kincardine Council’s direction given on January 11, 2021 at Official Plan adoption meeting]

- **Section D7.10:** revised reference in Permitted Uses to D7.10 rather than D7.9 as currently indicated [Corrects referencing error]
- **Section D9.1:** revised to read “... in these areas” rather than “...in theses areas” [For greater clarity]
- **Section E3.4.1:** revised c) to reference ‘E3.4.3 and E3.4.4’, rather than ‘E3.8.3 and E3.8.4 [Corrects referencing error]
- **Glossary** modified the definition of ‘Institutional, Small Scale’ as follows: means those institutional uses that are generally compatible with residential land uses, such as ~~junior~~ elementary schools. [Aligns with terminology in the Education Act]
- **Section D1.4.22** revised as follows:
The following maximum gross residential densities will apply to new Low Density Residential uses:

HOUSING TYPE	MAXIMUM NO. OF UNITS PER GROSS HECTARE (ACRE)
Low Density	
Single Detached	20-25 u.p.h. (8 u.p.a.)
Semi-Detached	30-35 u.p.h. (12 u.p.a.)

[Lowers barriers for provision of affordable and attainable housing]

- **Section D1.5.2** revised as follows:
The following maximum net residential densities will apply to new medium and high density residential uses:

HOUSING TYPE	MAXIMUM NO. OF UNITS PER NET HECTARE (ACRE)
Medium Density Triplex, Townhouse, Low-rise Walk-up Apartments	40 50 u.p.h. (16 u.p.a.)
High Density Apartments	85 95 u.p.h. (35 u.p.a.)

[Lowers barriers for provision of affordable and attainable housing]

- **Section C1.3.8** added as follows:
It is the intent of this Plan to prioritize existing and future infrastructure and public service facilities within settlement areas in order to support intensification and the achievement of complete communities. The following criteria shall be demonstrated in partnership with the Town and County for the purposes of site identification of a Public Service Facility:
 - Public Service Facilities may be permitted within all designations provided the public service facility supports the needs of the area it is servicing without the need for an official plan amendment.
 - Are located on an arterial or collector road, with appropriate driveway entrances approved by the Municipality.
 - A preliminary traffic investigation that will demonstrate the feasibility of the public service facility as it pertains to the impact of the function of the road.
 - Incorporation of appropriate setbacks and design elements (such as landscaping, parking location, ingress/egress,) to appropriate mitigate any impacts on adjacent residential uses.
 - Appropriate water and wastewater services are planned by the municipality or available to support the proposed public service facility.
 - Any new residential development applications shall be evaluated with regards to the need and location for a public service facilities in the community.

[Provides greater certainty on Public Service Facilities as requested by the Bluewater District School Board]

- **Section C8.3.9** added as follows:
- The Municipality shall not be constrained by the above criteria for the selection of Community Improvement Areas if it chooses to approve a Community Improvement Plan that is aligned with other economic development priorities and initiatives.
[Provides increased flexibility to the Municipality in meeting its economic development goals and objectives]
- **Section C8.6.3** modified as follows:
Council may acquire and develop land to replace inappropriate and non-conforming uses for facilitating conservation, rehabilitation, redevelopment or development of an area. **Council may provide grants, loans or other financial incentives within a Community Improvement Area in accordance with a Community Improvement Plan approved under Section 28 of the Planning Act.**
[Provides additional economic development tools to the Municipality]
- **Section D7.10** modified as follows:
 - c) The areas within the Development Constraint Areas 1 and 2 shall be zoned **with a Special Zoning Provision that requires both the Municipality and SVCA to be satisfied through their approval of plans or otherwise that the potential slope and soil instability problems have been adequately addressed.** ~~in a Holding Zone pursuant to Section 36 of the Planning Act. This zone would only permit uses legally existing until such time as the Holding provision is removed.~~ The objective of this zoning approach is to ensure that adequate measures have been undertaken to mitigate potential slope and soil instability problems. ~~The Holding provision will be removed once the Council and the SVCA are satisfied through their approval of plans or otherwise that the potential slope and soil instability problems have been adequately addressed.~~
 - ~~d) Lands affected by the Development Constraint Areas 1 and 2 will also be subject to Site Plan Control.~~
 [Provides greater clarity and more appropriate implementation measures]