

# TOWNSHIP OF PELEE



# OFFICIAL PLAN

**Consolidated with MMAH Modifications  
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# **TOWNSHIP OF PELEE** **OFFICIAL PLAN**

## **SECTION 1 – INTRODUCTION**

### **1.1 A UNIQUE TOWNSHIP**

The Township of Pelee (“Pelee”) is unique in Ontario.

Pelee is remote. As an island municipality, it has no road connection to the mainland, but must rely on air and seasonal water connections.

Pelee is the southernmost municipality in Canada. Its climatic characteristics have helped support plant and animal life not found in other parts of the country. Pelee has one of the most diverse natural ecosystems of any locale in Ontario. Its extensive alvars and associated savannas, sand beaches, Carolinian forest, open marshes and swamps comprise a range of natural heritage features which support an unparalleled biodiversity.

Pelee is a single tier local jurisdiction, not part of any County or Region.

### **1.2 PURPOSE**

The general purpose of the Official Plan for the Township of Pelee is to set out objectives and policies to guide future development and change within the Township. The Plan addresses future land use and its regulation, municipal services and related economic, social and environmental issues.

Within this general purpose, the Plan has the following specific purposes:

- a) To guide Council in its decision-making in matters of planning, natural heritage, economic development and public works;
- b) To provide the public with a clear statement of Council’s intentions for the future of the Township, and with a degree of certainty about this future;
- c) To promote a logical and orderly pattern of future development;
- d) To avoid or minimize future land use conflicts;



- e) To allocate land for various purposes adequate to meet the future needs of the community;
- f) To assist the planning of services by the Township and by other public and private bodies.
- g) To help implement provincial policies at the local level.

### **1.3 THE PLANNING AREA**

The Township of Pelee comprises the Canadian component of the Western Lake Erie Islands situated in Lake Erie south of the County of Essex. The Township consists of Pelee Island having a land area of approximately 4,000 hectares and eight islands, known as the Out Islands: Middle Sister Island, North Harbour Island, East Sister Island, Hen Island, Chick Island, Little Chicken Island, Big Chicken Island and Middle Island, as shown on Figure 1. The Out Islands have no permanent population, and are designated “Natural Environment” in this Plan. The focus of this Plan is on Pelee Island.

### **1.4 PLANNING PERIOD**

This plan is intended to provide planning guidance for a planning period of approximately 20 years. Moreover, it is intended that this Plan will be monitored, reviewed at least every 5 years and amended as necessary to maintain its currency and usefulness, and to regularly re-establish its 20-year planning period.



# Islands within Township of Pelee





## SECTION 2 – PLANNING APPROACH

### 2.1 A MATTER OF SURVIVAL

Pelee needs a strategy for ensuring the protection and enhancement of its natural environment.

Pelee needs a permanent population to sustain it as a community and to provide continuity of stewardship. The permanent population of Pelee, and particularly permanent families with children, has experienced a general decline since 1913 and is now at a critical level. The Township needs a reversal in this population trend over the planning period in order to survive and flourish as a community.

To achieve this, significant improvements to the economic base and the supporting servicing infrastructure of the Township are necessary. In turn, these must be achieved in a manner consistent with protecting the natural environment which is the basis for much of the Township's current and intended future economy.

### 2.2 GOAL OF THE PLAN

Planning for Pelee will be founded on the goal of achieving:

- **A SUSTAINABLE COMMUNITY;**
- **A SUSTAINABLE NATURAL ENVIRONMENT;** and
- **A SUSTAINABLE ECONOMY.**

All three components of this goal are interdependent and critical to the future of the Island. Therefore, it is intended that no component be pursued in isolation of the others.

### 2.3 GENERAL OBJECTIVES

The following objectives are directed to achieving the goal of this Plan:

- To support a flourishing permanent population with a desirable quality of life.
- To promote employment opportunities, and especially year-round employment opportunities.
- To support community institutions and services.
- To provide housing opportunities for the Island's permanent population.
- To protect and enhance the natural environment of the Island.
- To foster stewardship of the natural environment.
- To strengthen the future role of agriculture.



- To establish and maintain servicing systems which are financially sustainable to meet the long-term needs of the Island.
- To encourage a wide variety of tourism opportunities compatible with the natural environment.
- To provide attractive opportunities for seasonal occupancy.
- To ensure that development is within the financial capabilities of the Township.
- To provide for partnership opportunities to help meet the needs of the Township.
- To seek approaches which are appropriate to the special characteristics and needs of the Island and its residents.
- To become a municipality which is a model of sustainability supported by both public sector and private sector actions.
- To establish and promote an image for Pelee which is synonymous with environmental quality.
- To provide for new resort development to serve as a catalyst for achieving the Goal and Objectives of this Plan.

## **2.4 ECONOMIC DEVELOPMENT**

Council will seek to facilitate the creation of a mix and range of employment opportunities appropriate to the character of the Island and the Goal of this Plan. Particular attention will be given to the potential for employment to meet the long-term needs of the Island community.

Council will encourage the establishment of commercial uses to serve tourists, and particularly those uses which support ecotourism and passive recreation such as bird-watching, golfing and kite-flying.

Compatible uses and programs relating to culture, heritage and the arts will also be promoted.

Council will encourage the establishment of commercial uses to serve the resident population of the island.

Council will encourage the establishment of facilities and programs for outdoor education.

Apart from agriculture, fishing and quarrying, industry will generally be limited in scale and character.

Council will work in cooperation with public and private, non-profit and commercial organizations for the establishment of facilities for passive recreational tourism activities. Such facilities may include trails and walkways, observation areas, signage, informational and educational displays and rest rooms.



The Township's annual pheasant hunt will continue to be supported as an important economic generator.

Innovation and adaptation will be encouraged in creating new economic opportunities in specialized agriculture.

## **2.5 COMMUNITY STRUCTURE**

The Pelee Island community is structured upon a number of key components:

- a) **West Dock**  
The West Dock settlement area contains the major ferry facilities as well as several key public facilities and tourist commercial facilities. It is intended that this area be maintained and expanded as the Island's major gateway and tourist service area.
- b) **Scudder**  
The Scudder settlement area is a secondary gateway and service centre for island residents and tourists. This role will be enhanced.
- c) **Core Natural Heritage areas**  
Five core natural heritage areas create a framework for the protection of the Island's natural heritage features and functions and for the creation of linkages.
- d) **Resort Development**  
Resort development and tourist recreation facilities are intended to be a focus of new growth.
- e) **Shoreline Residential**  
Pelee's shorelines have provided the most desirable sites for seasonal residential development and permanent occupancy, both adjacent to the waterfront and on the inland side of shoreline roads. These will continue to be areas for limited new development.
- f) **Shoreline Open Space**  
Much of the Island's shoreline is devoted to passive private and/or public open space use. This provides an important visual amenity for all residents and tourists. Public access, including physical and visual access, to the shorelines of the Island will be provided and enhanced.
- g) **Agricultural Area**  
The interior of the Island has been predominantly devoted to agriculture, with minor groupings of rural residential development.

In keeping with the Goal of this Plan, the entire Township is considered to be part of the natural heritage system, not for the purpose of control or regulation of use, but rather as recognition of the interdependence of functions on the Island and the opportunities that exist for ongoing creation and enhancement of habitat and linkages.



## **SECTION 3 – GENERAL POLICIES**

### **3.1 CULTURAL HERITAGE**

In keeping with the Goal and General Objectives of this Plan, it is important to support the preservation and recognition of the Township's cultural heritage resources including buildings, structures, landscapes, monuments or artifacts of cultural heritage value or interest. It is the intent of the Township to promote preservation efforts for the benefit of the community as a whole.

The Township will seek to conserve the cultural heritage resources within the Township by requiring a heritage impact assessment for development proposals that include or are adjacent to protected heritage properties.

The Township will encourage and foster public awareness, participation and involvement in the preservation, restoration and utilization of heritage resources.

Council may establish a Municipal Heritage Committee according to the Ontario Heritage Act to advise and assist Council on matters related to the Act and other matters of heritage conservation.

The Heritage Committee shall identify and maintain a registry of possible heritage properties which would include properties of cultural heritage value or interest.

The Township may utilize Parts IV and V of the Ontario Heritage Act to conserve significant cultural heritage resources through the designation of individual properties or areas, and the designation of a group or groups of properties as Heritage Conservation Districts.

The Township recognizes that there are precontact and historic archaeological sites, and areas containing archaeological potential within the Township.

The Township may identify areas of archaeological potential through the use of Provincial screening criteria, or criteria developed based on known archaeological sites within the Township and developed by a licensed archaeologist.

The Township shall require an archaeological assessment for a proposed development within an area of archaeological potential or affecting an archaeological site. The Township may require the assessment prior to final planning approval, or as a condition of final planning approval. Archaeological assessment reports conducted by licensed archaeologists shall be in compliance with standards and guidelines set out by the



Ministry of Culture, as well as licensing requirements developed under the Ontario Heritage Act.

Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

When an identified marked or unmarked cemetery is affected by land use development, the Ministry of Tourism and Culture and the Ministry of Consumer Services shall be notified and the provisions of the Ontario Heritage Act and the Cemeteries Act shall apply.

The appropriate First Nation shall be provided notification with regard to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors.

If the Township initiates an Archaeological Master Plan, the appropriate First Nations shall be notified and invited to participate in the process.

Within the Township boundaries there may be marine archaeological resources, including the remains of boats, artifacts, docks, and other items of cultural heritage value. Prior to approving a development proposal where there is high potential for marine archaeological resources, the Township shall require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the Township and Ministry of Tourism and Culture.

Waterfront development shall consider cultural heritage resources both on shore and in the water.

### **3.2 HOUSING**

Pelee has traditionally had almost all of its housing stock in single-detached dwellings. New development has also been virtually all single-detached dwellings.

As full municipal services become available, the Township will seek to provide for a mix of housing types in accordance with the policies of Sections 4.3, 4.4 and 4.6, including intensification and housing that is affordable to low and moderate income households.

Any major new residential development to be built on full municipal services may be required to provide for a mix of housing types, including a component of affordable housing.



### **3.3 NATURAL HAZARDS**

In addition to being surrounded by the natural forces of Lake Erie, the history of Pelee Island in the joining of smaller islands through dyking and reclamation has resulted in the majority of the Island being susceptible to flooding or the erosion processes of a Great Lakes shoreline. The Township's dyked and pumped drainage system creates the potential for localized slope stability and watercourse hazards. The stone dyke protection system significantly constrains development where it has been constructed, particularly along the east shore. It has also created some man-made habitat which supports the natural heritage of the Island.

#### **3.3.1 Lake Erie Shoreline and Flood Prone Areas**

Lands within the "Lake Erie Flood Prone Areas" overlay shown on Appendix 1 of this Plan have been identified as being susceptible to flooding under 1:100 Year Flood conditions. In these areas, development and site alteration are subject to the Essex Region Conservation Authority's permit requirements based on the Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (*Ontario Regulation No. 158/06* or successor thereof).

While the permitted uses of these lands are set out in the underlying land use designations as shown on Schedule 'A', development and/or site alteration shall be permitted in areas identified as being susceptible to flooding and/or erosion only if:

- a) the hazard can be safely addressed;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required);
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies; and
- e) the development does not include institutional uses or essential services or the disposal, manufacture, treatment or storage of hazardous substances.

Development and site alteration will not be permitted within the area susceptible to dynamic beach hazards.

#### **3.3.2 Setback from Drains**

New development in the vicinity of a municipal drain will be required to be set back from the top of bank of the drain to protect the stability of the bank.



### **3.3.3 Regulations**

The Zoning Bylaw will include regulations for development setbacks and minimum floodproofing elevations within flood-prone areas, and will incorporate building setbacks from the top of bank of municipal drains.

Lands covered by the regulations of the Essex Region Conservation Authority are subject to the Conservation Authority's permit requirements for development. Certain protective measures may be included in development agreements.

## **3.4 TEMPORARY WAYSIDE PITS AND QUARRIES**

Temporary wayside pits and quarries which are used for a public road authority project, and portable asphalt plants or concrete plants, are encouraged to locate in an area designated Extractive Industrial on Schedule "A". When such a location is not possible, wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law, except in the Residential, Hamlet and Natural Environment designations.



## SECTION 4 – LAND USE

### 4.1 LAND USE PLAN

Schedule 'A' Land Use Plan sets out the land use designations applicable to lands on Pelee Island. The policies relating to each designation are set out in this section.

### 4.2 AGRICULTURAL

#### 4.2.1 Purpose

Agriculture on Pelee Island is changing. While some areas of non-prime agricultural lands exist, most of the lands designated "Agricultural" are prime agricultural lands; therefore, all of the agricultural land on the Island is considered to be part of a prime agricultural area. Pelee's excellent soils and climate are capable of supporting specialty crops. The Agricultural designation seeks to ensure the ability for farming to adapt in order to take advantage of future opportunities.

#### 4.2.2 Goals

- a) To preserve the Island's agricultural base for future agricultural use.
- b) To provide flexibility for farm operations to engage in types and scales of agricultural operations suited to the unique potential and the unique constraints of Pelee, including specialized forms of farming such as viticulture, organic farming, seed production, market gardening and native plant nurseries.
- c) To prevent conflicts between farm and non-farm activities in agricultural areas.
- d) To encourage the retention and enhancement of existing windbreaks, hedgerows and small woodlots in order to prevent soil erosion, protect the high quality landscape in agricultural areas and to provide linkages between natural environment areas where possible.



#### **4.2.3 Policies**

- a) In areas designated Agricultural, the main use of land will be for agricultural uses.
- b) Bed and breakfast establishments and home occupations in existing dwellings and in new farm dwellings are also permitted.
- c) Existing non-farm residences and other existing non-farm uses within the Agricultural designation may be recognized in the Zoning By-law.
- d) Farm operators will be encouraged to adapt their practices to be compatible with or to enhance the General Objectives of this Plan, particularly those relating to sustainability and tourism.
- e) Farm operators will be encouraged to protect and enhance the natural vegetative cover on their lands by using appropriate conservation practices.
- f) Small-scale farm businesses which are secondary to a farm operation, and home occupations are permitted in the Agricultural designation. Their size will be limited in the Zoning By-law.
- g) Small-scale commercial and dry industrial uses that are directly related to a farm operation and that are required in close proximity to the farm operation, including the processing of agricultural produce, may be permitted in areas designated Agricultural subject to an amendment to the Zoning Bylaw. The bylaw amendment will limit the size of the facility and will establish adequate setback and buffering requirements to ensure that any potential incompatibilities with surrounding uses are minimized.
- h) Wineries and wine tasting establishments may be permitted as secondary uses on viticulture operations.
- i) Temporary residences for seasonal farm labour may be permitted or one permanent second farm residence may be permitted for full-time farm labour where the size and nature of the operation requires additional employment.
- j) New secondary uses permitted in subsection 4.2.3 f) shall be compatible with adjacent agricultural operations and any existing on-farm uses. Secondary uses shall be limited in scale and nature to ensure such compatibility.
- k) Existing non-agricultural buildings within an Agricultural area may be reused in accordance with the above policies for secondary uses, or for a use that is similar to the previous use or more in keeping with the surrounding Agricultural area. A zoning by-law amendment will normally be required in accordance with Section 8.5.
- l) The Township will identify specialty crop areas in accordance with provincial evaluation procedures. As appropriate, policies related to specialty crop areas will be added by amendment to this Plan.
- m) Although Pelee Island currently has no livestock operations, other than the Township's pheasant farm, any new livestock operation or an expansion to livestock facilities and any new land use or lot creation, shall comply with the Minimum Distance Separation formulae.



## **4.3 HAMLET**

### **4.3.1 Purpose**

The “Hamlet” designation recognizes the importance of the areas around the West Dock and the Scudder Dock as the commercial and community focal points for the Island. This designation is intended to provide for new commercial development opportunities.

### **4.3.2 Goals**

- a) To promote commercial and community focal points for Island residents and tourists;
- b) To encourage future commercial activity to locate in the Hamlet areas;
- c) To provide for certain housing opportunities in Hamlets.

### **4.3.3 Policies**

- a) Permitted uses in Hamlet areas shall include all types of commercial uses including retail shops, restaurants and taverns, places of entertainment, hotels and motels, offices and service uses, studios, municipal and private parks, parking lots, public and private recreational uses, marinas and marina storage and repair facilities, museums, institutional uses and residential uses including bed and breakfast establishments, inns and home occupations. Other employment uses may be permitted subject to (c) below. New uses or the expansions of existing uses are subject to the adequacy of private or municipal services.
- b) New single unit dwellings will generally not be allowed, except as a dwelling accessory to a commercial use. Where municipal sanitary sewer and water services become available and adequate, multiple unit dwellings will be encouraged, but may be required to be set back to allow commercial uses to dominate the street frontage.
- c) Uses having characteristics which may detract from the amenity of the area for tourists may be prohibited or may be required to be set back from roadways. Such uses may include automotive uses, major repair uses, and uses requiring large areas of outdoor storage.
- d) If full municipal services become available to a Hamlet, a Secondary Plan may be undertaken for that Hamlet area to more specifically direct the location of various land uses within the Hamlet designation. Such a Secondary Plan will be included by way of amendment to this Plan.



## **4.4 RESIDENTIAL**

### **4.4.1 Purpose**

The Residential designation, generally in proximity to the lakeshore, provides for a form of development which has traditionally supplied the majority of non-farm housing, both seasonal and permanent, on the Island.

### **4.4.2 Goals**

- a) To provide areas in which seasonal and permanent residential development may occur in a controlled and progressive manner and to recognize existing areas of residential development;
- b) To ensure that new development occurs in a manner in keeping with the capacity of the services available and within the financial capability of the Township;
- c) To encourage infilling and completion of the existing development pattern;
- d) To ensure that new residential development is established at a low density where necessary to preserve natural environmental attributes.

### **4.4.3 Policies**

- a) The main permitted uses are permanent and seasonal single unit dwellings, bed and breakfast establishments, and home occupations.
- b) Secondary permitted uses may include group homes, rooming and boarding facilities, local-serving parks and existing institutional uses.
- c) Subject to the adequacy of services and lot size, a second dwelling unit may be considered for a residential lot by application for zoning bylaw amendment.
- d) Where municipal sanitary sewer and water services become available and adequate, somewhat more intensive residential use may be permitted by zoning bylaw amendment in appropriate areas, by way of smaller lot sizes or permission for two- or three-unit dwellings.
- e) All new residential development shall be designed to maintain the low-intensity character of existing residential areas.
- f) Some properties designated Residential, notably in the vicinity of the east shore, may be incapable of developing due to lot size and natural heritage and/or natural hazard constraints. In some such cases, amalgamation of adjacent lots may enable development for residential purposes.



## **4.5 RURAL RESIDENTIAL**

### **4.5.1 Purpose**

The purpose of the “Rural Residential” designation is to recognize areas of residential development situated in inland agricultural areas of the Island. These are areas previously designated for rural residential use. They provide limited opportunities for new residential development.

### **4.5.2 Goals**

- a) to recognize areas of existing residential development in inland agricultural areas;
- b) to permit the completion and appropriate infilling of existing development patterns.

### **4.5.3 Policies**

- a) residential development shall consist of permanent and seasonal single detached dwellings on large lots, bed and breakfast establishments, and home occupations.

## **4.6 RESORT DEVELOPMENT**

### **4.6.1 Purpose**

The Resort Development designation relates to specific development areas where new resort development is intended to occur on the basis of comprehensive planning and design and full municipal services in accordance with Section 6.

### **4.6.2 Goals**

- a) To provide for and encourage the establishment of new resort development as a catalyst for economic growth on the island.
- b) To encourage the provision of tourist facilities on the Island.
- c) To support the provision of a range of new and expanded municipal services.
- d) To promote development which serves as a model for achieving the Goals of this Plan.



#### **4.6.3 Policies**

- a) Permitted uses may include marinas and other tourist recreational facilities, conference facilities, commercial retail and service uses geared to serving the needs of tourists, hotels and other tourist accommodation. Seasonal and permanent residential uses will be permitted only as part of a comprehensive development containing a marina or other major tourist recreation facilities.
- b) A Resort Development area may also include areas of natural environment, and particularly areas of environmental enhancement to the natural heritage. Lands to be devoted to natural heritage protection and any lands required for natural heritage enhancement shall be placed in a separate environmental protection zone.
- c) Development of a Resort Development area shall include tourist recreation facilities and any required municipal water or municipal waste water facilities in its first phase.
- d) New development shall be ecologically sensitive, and shall apply high standards of architectural and community design, and energy conservation.
- e) Each Resort Development area shall require a detailed secondary plan setting out, at minimum, the specific arrangement of uses, detailed policies for servicing the area, the key design elements and the methods for achieving environmentally sound development. Prior to the adoption of the Secondary Plan policies, the costs of all public services and works shall be estimated and the scope of the related Environmental Assessment processes shall be identified in consultation with provincial ministries and agencies. Secondary Plans shall be included by Official Plan Amendment in Section 9 of this Plan.
- f) Agreement(s) shall be entered into with the Municipality on cost sharing arrangements for construction, operation and maintenance of all required municipal infrastructure and public services required for resort development proposals.
- g) Additional Resort Development areas up to a total additional amount of land area of 105 hectares, exclusive of any golf course, may be added by amendment to this Plan. In recognition that this amount of land carries forward development area previously designated in the former Official Plan, the required planning justification will not be required to demonstrate that sufficient opportunities for growth are not available through intensification, redevelopment or existing designated growth areas.”



## **4.7 TOURIST COMMERCIAL**

### **4.7.1 Purpose**

The Tourist Commercial designation applies to tourist-oriented commercial operations located outside of Hamlet areas and Resort Development areas. Initially, the designation applies only to existing tourist commercial uses.

### **4.7.2 Goals**

- a) To recognize existing tourist commercial uses outside of Hamlet and Resort Development designations;
- b) To provide for possible future tourist commercial uses having specific locational requirements.

### **4.7.3 Policies**

- a) The main permitted uses shall be major tourist facilities, inns, bed and breakfast establishments and private recreational facilities requiring large land areas such as campgrounds and recreation vehicle parks;
- b) Retail commercial uses shall be limited to those which are accessory to a main permitted use;
- c) New uses and expansions of existing uses are subject to the adequacy of private or municipal services;
- d) The natural heritage features shall be managed to minimize impacts to the features and their functions.

## **4.8 OPEN SPACE**

### **4.8.1 Purpose**

The Open Space designation provides for a wide range of active and passive recreational uses, and conservation uses on public and private lands.

### **4.8.2 Goals**

- a) To provide for the recreational needs of Island (year 'round and seasonal) residents and tourists.
- b) To recognize existing areas of public and private open space.
- c) To maintain open areas along key stretches of the lake shore.



#### **4.8.3 Policies**

- a) The main permitted uses in the Open Space designation shall be public and private parks and playgrounds, outdoor education uses, outdoor sport facilities, campgrounds, beach and other waterfront recreation areas, conservation uses, golf courses, mini puts and driving ranges.
- b) Other Open Space uses include existing uses such as a cemetery and a shooting range.
- c) In some areas, the Open Space designation applies to lands which may be used as open areas accessory to an adjacent permitted dwelling.
- d) The Open Space designation does not imply that land is available to the public.
- e) The Zoning Bylaw will normally permit only a limited range of open space uses on an individual property, based on the location and the purpose for the Open Space designation. Buildings and structures will normally be limited.
- f) New built uses and expansions of existing built uses are subject to the adequacy of private or municipal services.

### **4.9 NATURAL ENVIRONMENT**

#### **4.9.1 Purpose**

The Natural Environment designation applies to core areas for natural heritage protection and other lands held for the purpose of protecting and enhancing the natural environment.

#### **4.9.2 Goals**

- a) To protect and preserve areas which have been identified as having high natural heritage value.
- b) To recognize lands which have been acquired by a government department or agency, or non-governmental body devoted to the conservation of natural heritage.

#### **4.9.3 Policies**

- a) The main permitted uses of lands designated Natural Environment shall be the protection, management and enhancement of natural features.
- b) Secondary uses may include educational and passive recreation, such as hiking and bird watching, hunting and fishing, devoted to the natural heritage elements of the lands.



- c) Buildings, structures and other built facilities may be limited or prohibited in Natural Environment areas. Those that may be permitted will support the educational and passive recreation uses. Existing buildings and uses may be recognized in the Zoning By-law.
- d) All uses, and development will be subject to the Natural Heritage policies of Section 5 of this Plan.
- e) All of the Out Islands of the Township of Pelee are designated Natural Environment in their entirety.

## **4.10 EXTRACTIVE INDUSTRIAL**

### **4.10.1 Purpose**

The purpose of the Extractive Industrial designation is to recognize existing quarry operations and to provide for, and protect the potential for, future operations in appropriate bedrock resource areas where significant natural heritage resources will not be adversely affected.

### **4.10.2 Goals**

- a) To allow for the continuing extraction of bedrock resources.
- b) To identify areas bedrock resources where future extraction may occur.
- c) To allow identified bedrock resources for long-term use.
- d) To provide for the progressive rehabilitation of extractive areas for appropriate re-use.
- e) To minimize the potential for conflict between quarrying operations and other land uses.

### **4.10.3 Policies**

- a) The main permitted use of land in the Extractive Industrial designation shall be for quarries and related operations including the storage and processing of aggregate. Agriculture, forestry and conservation shall be secondary uses permitted prior to, and following, removal of the resource.
- b) The Zoning Bylaw will initially zone for quarry use only those lands which are licensed for such uses or for which a licence application has been submitted. All other lands within this designation will be zoned to permit the interim secondary uses, but with no permission for buildings, until such time as the Ministry of Natural Resources advises that the requirements for issuance of a licence under the Aggregate Resources Act have been met.
- c) Lands for which a licence application has been submitted and for which required site plan and technical reports have been submitted to the province, and related information submitted to the Township, may be



- rezoned to permit the proposed extractive use subject to a holding provision to be removed upon issuance of the licence.
- d) In order to protect bedrock resources for long-term use, new development in the vicinity of lands designated Extractive Industrial will be restricted. Sensitive uses will be permitted only where it has been demonstrated that the probable impacts of existing and future operations (including noise, dust, vibration, fly rock, truck traffic, surface and groundwater impacts) can be adequately mitigated.
  - e) It is not expected that quarried lands will be able to be rehabilitated to agricultural use. Proposals for rehabilitation and re-use of quarried lands will be considered by Council as Official Plan Amendments in accordance with Section 8 of this Plan.

#### **4.11 SPECIAL LAND USE POLICIES**

In addition to the applicable policies of the Official Plan, the following policies will apply to lands designated as Special Policy Areas.

##### **4.11.2 Special Policy Area 2**

Lands of approximately 25 hectares shown as “Special Policy Area 2” on Schedule ‘A’ will be subject to the Land Use policies of Section 4.4 Residential and the following:

Development will be in the form of a single comprehensive development. Development may include townhousing and recreational uses. Approval will be through a Plan of Subdivision and/or Condominium. Development will be subject to the Section 6 Servicing policies of this Plan for major new developments. All development will be on full municipal services.



## SECTION 5 – NATURAL HERITAGE

### 5.1 NATURAL HERITAGE CONTEXT

Pelee Island is a key component of Ontario's biodiversity. Pelee Island's natural heritage system and biodiversity offer a wide range of recreational and ecotourism opportunities capable to supporting a sustainable economy and a healthy community on the Island.

Our knowledge and understanding of natural heritage features and functions has increased over the last decade. This has lead to a greater appreciation by many of the difficulties and challenges related to managing and protecting natural resources through planning and development processes. A challenge is to provide the necessary guidance and tools to ensure a balance among economic vitality, a healthy community and the conservation and enhancement of the natural environment.

The policies of this Plan and its associated regulations and zoning by-laws along with the promotion of stewardship programs will be used to protect and enhance natural heritage features and functions. The protection and enhancement of Pelee Island's natural heritage features and functions, which collectively make up the Island's natural heritage system, is not possible without the active involvement of the Island's residents and its visitors. Stewardship programs and educational initiatives through partnerships are essential to maintaining the Island's ecological integrity.

The following policies provide for the establishment of two new committees. The Stewardship Committee will be involved in stewardship initiatives in the Township, while the Environmental Advisory Committee (EAC) is intended to be an integral part of the development review process.

The natural heritage policies of this Plan offer a balanced approach to natural heritage protection.

The Official Plan provides for the protection of natural heritage features and their ecological functions through the following specific policies:

- a) Environmental Enhancement and Stewardship as described in Section 5.2,
- b) Environmental Review (MNR assessment and Environmental Impact Statement (EIS) required) as described in Section 5.3 and identified on Schedule 'B-1', and
- c) Environmental Protection (no development or site alteration) as described in Section 5.4 and identified on Schedule 'B-2'.



## **5.2 ENVIRONMENTAL ENHANCEMENT AND STEWARDSHIP**

The protection of Pelee Island's natural heritage features and functions will be achieved through partnerships. Communication and education are key components to establishing a strong foundation for natural heritage protection and enhancement. There is already a high level of appreciation of the Island's ecological significance as well as an understanding of ways to contribute towards its protection and enhancement. The Township supports continued recognition of Pelee Island's important contributions to Canada's natural history and its biological diversity.

### **5.2.1 Policies**

- a) Pelee Island will be considered to be a single ecological unit.
- b) The ecological diversity of Pelee Island and the Out Islands will be conserved, protected and enhanced.
- c) Environmental enhancement and stewardship of Pelee Island's natural heritage system will be achieved through partnerships.
- d) The Township will cooperate in the development of programs to guide and direct natural heritage protection and enhancement activities (e.g. education and awareness, habitat management, conservation easements, acquisition).
- e) A Stewardship Committee will be established to study, advise on, promote and coordinate, as required, stewardship initiatives in the Township.
- f) The Township will support the development of a Biodiversity/Natural Heritage strategy to guide enhancement and stewardship activities on Pelee Island.
- g) The Township, in consultation with the Stewardship Committee, shall encourage and may require environmental enhancement as a condition of approvals under the Planning Act.
- h) Council, with the advice of the Environmental Advisory Committee, will develop a process for documenting new voluntary enhancement initiatives as well as enhancement required under (g) above. Areas devoted to such initiatives, where not identified in Schedules B.1 or B.2, shall not be subject to the policies of Section 5.3 and 5.4 of this Plan.

## **5.3 ENVIRONMENTAL REVIEW**

Lands requiring an environmental review are shown on Schedule 'B.1' of this Plan as an Environmental Review overlay. Lands included in the overlay consist of habitat of endangered or threatened species (hereafter referred to as Species at Risk or SAR), significant woodlands, Areas of Natural Scientific Interest (ANSI), significant wildlife habitat, and fish habitat. The SAR habitats include areas that cannot be mapped at a scale suitable for inclusion in this Official Plan, as well as areas which are known to be SAR habitat for which site-specific confirmation is lacking. Some of these SAR areas may be subject to the policies of Section 5.4 Environmental Protection. The



comprehensive zoning by-law will provide the necessary mapping detail for these areas. The environmental review will be through a report and/or study prepared in accordance with Section 5.6 of this Plan.

### **5.3.1 Policies**

- a) An Environmental Advisory Committee will be established in cooperation with the Ministry of Natural Resources to review and advise on proposals for development or alteration which have the potential to affect natural heritage features and/or functions;
- b) Development and site alteration shall not be permitted **within** lands identified through the Environmental Review overlay unless such development and/or site alteration can be shown to have no negative impacts on natural heritage features or their ecological functions. A report and/or study must be prepared to demonstrate no negative impacts to natural heritage features or their ecological functions.
- c) Development and site alteration shall not be permitted **adjacent to** (see Table 5.1) lands identified through the Environmental Review overlay unless such development and/or site alteration can be shown to have no negative impacts on natural heritage features or their ecological functions. A report and/or study in accordance with Section 5.6 must be prepared to demonstrate no negative impacts to natural heritage features or their ecological functions.
- d) In areas designated “Agricultural” on Schedule ‘A’, existing agricultural uses may continue. New agricultural uses that require approval under the Planning Act may be permitted within an Environmental Review overlay, or on adjacent lands, if it has been demonstrated to the satisfaction of the Township, in consultation with the Ministry of Natural Resources and the Essex Region Conservation Authority, that there will be no negative impact on the natural heritage features or their ecological functions.
- e) Specific mitigation and monitoring measures may be required to ensure that natural heritage features and their ecological functions are protected as conditions for approval of planning applications within and/or adjacent to areas shown as Environmental Review.
- f) Areas of enhancement which have been required as mitigation under Section (d) shall be considered to be “Environmental Review” areas subject to the policies of Section 5.3 of this Plan.
- g) In accordance with Section 5.5, fish habitat is an “Environmental Review” area.
- h) The Township will use information on newly identified natural heritage features and values provided by MNR to assist in the screening of planning applications without requiring an amendment to this Plan.
- i) The Township may map newly identified natural heritage features in the appropriate Zoning By-law when that information is made available.



- j) Council will work with senior levels of government and conservation organizations to investigate the potential for purchase of lands determined to be undevelopable based on the policies and procedures in this Section, and/or to identify other potential means for compensating owners of such lands.

The potential for acquiring other lands determined to be of a high natural heritage priority will also be addressed.

## **5.4 ENVIRONMENTAL PROTECTION**

The Environmental Protection overlay provides protection to natural heritage features including confirmed significant habitat of endangered species and threatened species (hereafter referred to as “significant Species at Risk or SAR habitat”) and Provincially Significant Wetlands (PSW) as mapped on Schedule ‘B.2’. Natural heritage features designated as Environmental Protection will receive the highest level of protection through the policies of this Official Plan and the appropriate zoning by-laws.

### **5.4.1 Policies**

- a) Development and site alteration shall not be permitted **within** lands designated as Environmental Protection.
- b) Development and site alteration shall not be permitted **adjacent to** (see Table 5.1) lands designated as Environmental Protection unless such development and/or site alteration can be shown to have no negative impacts on natural heritage features or their ecological functions. A report and/or study in accordance with Section 5.6 must demonstrate no negative impacts to natural heritage features or their ecological functions. The Environmental Advisory Committee will review proposals relating to such adjacent lands.
- c) In areas designated “Agricultural” on Schedule ‘A’, existing agricultural uses may continue. New agricultural uses that require approval under the Planning Act may be permitted within an Environmental Protection overlay, or on adjacent lands, if it has been demonstrated to the satisfaction of the Township, in consultation with Ministry of Natural Resources and the Essex Region Conservation Authority, that there will be no negative impact on the natural heritage features or their ecological functions.
- d) The Township will use information on newly identified SAR habitat and PSWs provided by MNR to assist in the screening of planning applications without requiring an amendment to this Plan.
- e) The Township may map newly identified significant SAR habitat and PSWs in the appropriate zoning by-law when that information is made available.



## **5.5 FISH HABITAT**

“The Federal Fisheries Act requires that fish habitat be protected. Fish habitat is determined through mapping and information provided or approved by the Federal Department of Fisheries and Oceans (DFO) or the Essex Region Conservation Authority (ERCA). All watercourses, lakes, ponds (other than man-made off-stream ponds) and wetlands are deemed to be fish habitat unless it can be demonstrated to the satisfaction of the ERCA that the feature does not constitute fish habitat as defined by DFO. Any development within or adjacent to fish habitat that may result in a harmful alteration, disruption or destruction of fish habitat (HADD) will require a Federal Authorization by DFO through ERCA. The authorization will provide appropriate mitigation and/or compensation plans. The Federal Authorization requirement is intended to be fulfilled prior to obtaining Planning Act approvals.

Adjacent lands to fish habitat are generally those areas within 30 metres of fish habitat. Site-specific evaluations based on situations such as natural riparian vegetation, filtering of sediment and nutrients and shading and cooling of surface water may demonstrate the need for a greater or lesser width of adjacent land.



**TABLE 5.1 LANDS SUBJECT TO EIS POLICIES**

| <b>Policy</b>               | <b>Natural Heritage Feature</b>                     | <b>Conditions for Development and Site Alteration</b>  | <b>Definition of Adjacent Lands</b>   | <b>Adjacent Lands Policy</b>  |
|-----------------------------|---|--|---|---|
| <b>ENVIRONMENTAL REVIEW</b> | <b>Habitat of Endangered and Threatened Species</b> | Development and site alteration will not be permitted  | Environmental Review Boundary   | EIS must demonstrate no negative impacts to feature or its ecological functions |
|                             | <b>Significant Woodlands</b>                        | Development and site alteration may be permitted subject to the demonstration of no negative impacts                                 | <b>50 metres</b>  | EIS must demonstrate no negative impacts to feature or its ecological functions |
|                             | <b>Areas of Natural and Scientific Interest</b>     | Development and site alteration may be permitted subject to the demonstration of no negative impacts                                 | <b>50 metres</b>  | EIS must demonstrate no negative impacts to feature or its ecological functions |
|                             | <b>Fish Habitat</b>                                 | Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements | <b>30 metres</b> measured from top of bank or otherwise determined by the Essex Region Conservation Authority or DFO. | EIS must demonstrate no negative impacts to feature or its ecological functions |
|                             | <b>Significant Wildlife Habitat</b>                 | Development and site alteration may be permitted subject to the demonstration of no negative impacts                                 | <b>50 Metres</b><br><b>200 metre</b> radius for Bald Eagle nests  | EIS must demonstrate no negative impacts to feature or its ecological functions |



## 5.1 LANDS SUBJECT TO EIS POLICIES (continued)

| Policy                          | Natural Heritage Feature                           | Conditions for Development and Site Alteration        | Definition of Adjacent Lands | Adjacent Lands Policy   |
|---------------------------------|--|---|------------------------------|---|
| <b>ENVIRONMENTAL PROTECTION</b> | <b>Habitat of Endangered or Threatened Species</b> | Development and site alteration will not be permitted | <b>120 metres</b>            | EIS must demonstrate no negative impacts to feature or its ecological functions |
|                                 | <b>Provincially Significant Wetland</b>            | Development and site alteration will not be permitted | <b>120 metres</b>            | EIS must demonstrate no negative impacts to feature or its ecological functions |



## **5.6 ENVIRONMENTAL IMPACT STUDY**

In accordance with the policies of this Plan, an Environmental Impact Study (EIS) is required where development or site alteration is proposed within or adjacent to a natural heritage feature. The EIS must demonstrate that there will be no negative impacts to the feature or its ecological functions.

### **5.6.1 Policies**

- a) Terms of Reference for an EIS shall be required prior to undertaking an EIS. These shall be approved by the Environmental Advisory Committee or by MNR in consultation with ERCA and the Township. The Terms of Reference shall determine whether a complete EIS is required and the nature and scope of the work required to be undertaken.
- b) An EIS shall be completed in accordance with approved guidelines as adopted by the Township and set out in Appendix 2.
- c) A scoped EIS may be permitted where the nature and scope of a proposed development is expected to result in minimal or no negative impacts to the natural feature and its ecological functions or where proposed mitigation measures are acceptable. A scoped EIS may include a reduction in content compared with that of a full EIS.
- d) Where a full EIS is required, that work shall be undertaken by a qualified individual. Qualifications will be based on knowledge and expertise established through academic and/or professional accreditation. Individuals must be approved by the Township in consultation with the Environmental Advisory Committee, or with MNR or its delegate.
- e) If it is determined through a review of an EIS that adverse impacts to a natural heritage feature and/or its function are apparent and mitigation measures are required, the Township, through consultation with the Environmental Advisory Committee, or with MNR or its delegate, may approve the proposed application subject to specific conditions (e.g. avoidance, project modification, timing restrictions, monitoring measures).
- f) If it is determined through a review of an EIS that adverse impacts to a natural heritage feature and/or its function cannot be mitigated, the Township shall not approve the planning application.
- g) Peer review shall be a requirement for a complete EIS.

The preparation of an EIS as required by the policies of this plan shall be undertaken in accordance with the appropriate guideline or terms of reference and include, but not be limited to, the following:

- a) Site Description and Landscape Context
- b) Summary of Development or Site Alteration Proposal
- c) Environmental Effects



- d) Mitigation Measures
- e) Monitoring

### **5.6.2 Other Considerations**

The policies of this Plan will be implemented through a comprehensive zoning by-law. Areas falling under the Environmental Protection and Environmental Review overlays will be zoned in a manner consistent with both policies 5.3 and 5.4. Applications for building permits will be approved only where proposed development is consistent with the requirements of a specific zoning by-law.

The Township, in coordination with the Environmental Advisory Committee, or with the MNR and/or its delegate, the Conservation Authority and the Building Inspector, will develop a protocol for addressing proposed developments and site alteration not subject to the Planning Act or the Building Code Act. This protocol will include the education of landowners who have properties within areas shown as Environmental Protection or Environmental Review, or Adjacent Lands. In addition, a process will be established whereby landowners proposing development or site alteration activities not requiring a planning application or permit, will be encouraged to consult with the Township and appropriate agency prior to implementing the project.



## **SECTION 5A – NATURAL RESOURCES**

### **5A.1 MINERAL AGGREGATE RESOURCES**

Schedule C to this Plan identifies known areas of high potential aggregate resources as an overlay to Schedule 'A' Land Use Plan. These are areas of limestone outcropping having less than 3 metres overburden, and are constrained by natural heritage features. The Environmental Protection areas shown on Schedule "B-2" include globally rare alvars containing a variety of natural heritage features, aggregate resources and sensitive land uses. It is intended that land uses will be managed to ensure maintenance of the ecosystems that support the Township's unique biodiversity.

High potential aggregate resources, which are of primary significance, shall be managed to ensure protection from incompatible uses to allow for future extraction of the resources.

Within and adjacent to areas shown on Schedule 'C', development and uses which would preclude or hinder the establishment of new or expanded aggregate operations or access to the resources will be permitted only if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) public health and safety and environmental impact are adequately addressed.

### **5A.2 PETROLEUM RESOURCES**

While there is currently no production of oil or natural gas in the Township, there is a potential for the exploration, discovery and production of petroleum deposits throughout the Plan area, and beneath the waters of Lake Erie.

Petroleum exploration and production is a permitted activity anywhere within the Township, except in Hamlet, Residential or Resort Development areas and Provincially Significant Wetlands, while subject to the requirements of the Oil, Gas and Salt Resources Act. Extraction of petroleum resources is permitted in Agricultural areas provided that the site is rehabilitated to agricultural use.

Separations between sensitive land uses and wells will be set out in the Zoning By-law.



## **SECTION 6 – SERVICING POLICIES**

### **6.1 GENERAL SERVICING APPROACH**

The Township will foster sound environmental practices in all aspects of servicing existing and new development on the island.

Council will pursue partnerships with other public, private sector and not-for-profit organizations to achieve servicing objectives in a manner which is affordable and in keeping with this Plan's overall goal of sustainability.

Municipal ownership of water and waste water services will be the standard for new major development. Other forms of ownership may be considered, and will be evaluated based on the specific proposal and its merits, the Provincial Policy statement servicing policies, and discussions with the Township and provincial ministries. Ownership and operation arrangements may be determined through the Master Servicing Plan or Environmental Assessment process, or through an Official Plan Amendment process (which may include a Secondary Plan).

### **6.2 WATER**

The Township will upgrade its existing West Shore water treatment facility as an interim means of assuring a supply of safe drinking water on the Island. The facility will continue to service only a limited area, but will be capable of providing bulk drinking water to other users.

Prior to the approval of any major new development, the Township will prepare a Master Plan for water supply, treatment and distribution as a Municipal Class EA process.

Council will actively seek to develop a new facility to provide a municipal water supply adequate for the Township's needs in the long term. Provision and funding for such a facility and for the long-term water service system will form part of the consideration of any new major development proposal on the Island.

Council will encourage, and may require, new developments which are to be serviced by municipal water to incorporate features to promote efficient use and low demand for treated water.

A major part of the Island will continue to be serviced by on-site private well water systems.



### **6.3 SANITARY SERVICING**

A major part of the Island will continue to be serviced by on-site private waste disposal systems. New small-scale development on such private waste systems shall be subject to sufficient reserve sewage system capacity including treatment capacity for sewage hauled from private commercial systems and individual on-site systems.

Prior to the approval of any major new development, the Township will undertake a Master Plan for waste water collection and treatment as a Municipal Class EA process.

Council will actively seek to establish a centralized municipal waste water treatment facility and collection system designed to be expandable to meet the long term needs of the Township. Provision and funding for such a facility and system will be part of the consideration of any new major development proposal on the Island.

Council will collaborate with relevant agencies to develop a septic system management program for the Township. The program shall consider such matters as the Ontario Building Code, facility design and permitting, landowner education and awareness, as well as monitoring and inspections.

Consideration will be given to emerging “green” technologies for wastewater treatment, disposal and reuse.

### **6.4 SOLID WASTE**

Pelee will be a community in which reduction, re-use and recycling of solid waste will be integral to life on the Island.

The Township will close its landfill site, and will establish and maintain a transfer station system for solid waste, with depots situated strategically on the Island and with disposal on the mainland. The separation of waste streams will be implemented.

In partnership with other public agencies and private partners, Council will pursue opportunities to educate residents and visitors in the need for reduction, reuse and recycling of solid waste, and will take steps as necessary to promote and/or enforce sustainable solid waste management.

### **6.5 STORMWATER MANAGEMENT**

Prior to approval of any major development application, Council will require the preparation and approval of a stormwater management plan acceptable to the Township, ERCA and the Ministry of the Environment. The stormwater management plan will be required to ensure that run-off does not increase peak flows into the open drainage system from a quantity perspective. On-site quality measures may be



required prior to release into the open drainage system. Techniques to minimize erosion and siltation of open drains and to avoid adverse effects on adjacent property owners will be considered.

Since the drainage system on Pelee Island also serves as an existing and potential wildlife corridor between natural areas, the integration of natural vegetative features adjacent to and within new stormwater facilities may be encouraged where appropriate.

## **6.6 ENERGY**

The Township will promote energy efficiency, and may require energy efficient features to be incorporated into any new development.

Council will seek to secure an adequate stable and sustainable energy supply for the Island.

Prior to the approval of any major new development, the Township will examine the adequacy of the energy supply.

Council will encourage the potential for alternative and renewable energy sources such as wind generation. A large scale generating system providing electricity into the Provincial transmission grid is subject to Federal and Provincial approvals and regulations. Council will consider the following matters when providing comments during the consultation process on large scale energy projects:

- a) Noise generated and humming of any substations or power lines;
- b) Impacts to agriculture including drainage, soil conservation and productivity, number of hectares taken out of production, and field fragmentation;
- c) Visual impact which may include lighting, colouring, blade glint, shadow flicker, overshadowing reflectivity and impacts on natural landscapes and general visual amenity;
- d) Location of utility lines and associated buildings, landscaping and screening of same;
- e) Impacts to the natural environment including migratory birds;
- f) Whether utilities should be buried or overhead, and impacts on watercourse crossings of utility lines and access roads;
- g) Impacts to cultural and built heritage, archaeological resources and recreational areas;
- h) Impacts to local infrastructure through delivery, construction and operation of the project;
- i) Site safety including falling ice, tower collapse, fencing, guy wires markings and climbing prevention;
- j) Aircraft safety;
- k) Potential electromagnetic interference to communications infrastructure;
- l) Emissions from dust, noise, contaminants, odours;



- m) Where appropriate, the preparation of management plans addressing decommissioning, rehabilitation, traffic management, preventative maintenance, emergency management and other issues that may become apparent.
- n) Management of outdoor storage.
- o) Haul route analysis and traffic assessment.

Small scale generating systems generate energy only for the property owner and do not contribute to the electricity grid. These systems may be permitted by the Zoning By-law as accessory to the main use of land.

## **6.7 TRANSPORTATION**

### **6.7.1 Off-Island Connections**

Transportation connections are critical to the ability of the Island community to survive and flourish, and for the enhancement of economic activity on the Island.

The Pelee Island Transportation Service has been managed under contract with the Ministry of Transportation since 1992.

Council will work with stakeholder groups to seek improved ferry service to the Canadian and American mainlands.

Applications for major new development may require analysis of the effect the new development will have on the Pelee Island ferry service. Relevant information will be circulated to the Ministry of Transportation for comment.

Council will consider the creation, expansion or upgrading of marinas on the island as a means of improving off-island connections and enhancing tourism.

Council will consider potential upgrades to the municipal airport to improve air service and to enhance tourism. The airport will be protected from land use conflicts.

Council will promote means of improving winter connections to the mainland.

### **6.7.2 On-Island System**

#### **Roads**

- The Township will maintain a system of roads for the safe essential movements of people, goods and emergency vehicles.
- Council will encourage, and may regulate where appropriate and possible, the use of roads so as:



- to minimize conflicts between cars, trucks, cyclists and pedestrians;
- to minimize conflicts with wildlife;
- to promote an environmentally progressive image for the Island.
- Council will encourage the use of appropriate environment-friendly alternative transportation modes, and may alter the design of some roads, and may provide for parallel pathways, in order to facilitate such modes.
- Council will seek to minimize the use of private automobiles on the Island.



## **SECTION 7 – LAND DIVISION POLICIES**

### **7.1 GENERAL**

This section shall form the basis for decisions on all applications for the division of land within the Township of Pelee.

The division of land shall generally occur by registered plan of subdivision or the consent process in accordance with the policies of this Plan. A plan of subdivision will be required for development when more than 5 new lots are proposed or for any number of lots where service extensions are required or the policy direction for the specific land use designation establishes the requirement.

The division of land will be allowed only if the proposed lots conform to the policies of this Plan and comply with the provisions of the Zoning By-law for the Township. Where any by-law amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval.

The division of land shall not be allowed where development could occur on lands subject to flooding, erosion or unstable conditions or any other hazard, except as otherwise provided in this Plan, or on lands where the Natural Heritage policies of this Plan would not permit development.

Some properties, notably in the vicinity of the East Shore, may be incapable of developing due to lot size and natural heritage and or hazard constraints. In some cases, consolidation of adjacent lots may enable development for residential purposes or development may not be feasible.

Minimum Distance Separation requirements shall apply to all division of land for the purpose of development.

### **7.2 PLANS OF SUBDIVISION OR CONDOMINIUM**

In commenting to the Ministry of Municipal Affairs and Housing on applications for proposed plans of subdivision or plans of condominium, Council shall have regard to the policies of this Plan as well as to those matters set out in Section 51(24) of the Planning Act.



### **7.3 CONSENTS**

In considering applications for consent, Council and the Committee of Adjustment shall have regard to the policies of this Plan, to those matters outlined in Section 51(24) of the Planning Act and to the following general and specific policies:

- a) Consents should be granted only when there are five or fewer lots proposed (four new and one retained) from the “original” parcel of land as it existed on May 1, 1991 and in areas where the extension of any major service would not be required.
- b) Consents should be granted only when the land fronts on an existing public road which is of a reasonable standard of construction.
- c) Consents may be used as a means to provide for infilling within the limits of existing areas designated Hamlet, Residential or Rural Residential by the creation of, normally, one or two new lots.
- d) The size of any parcel of land created by consent should be appropriate for the use proposed, considering the municipal services available and the soil conditions, and shall comply with the related zoning provisions.
- e) Consents should not be granted adjacent to a road where traffic hazards would be created due to proximity to intersections or because of limited sight lines.
- f) Regard should be had to the compatibility of the proposed use with uses in adjacent areas and the potential effects of such use on the surrounding area.
- g) Consents for lot adjustments or minor boundary changes are permitted provided both parcels comply with the provisions of the implementing Zoning By-law and the consent is granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990;
- h) The intent of the Township shall be to discourage scattered and isolated residential development throughout the Township.
- i) The division of land for the purpose of development will only be allowed when it has been established that soil and drainage conditions for all parcels are suitable to permit the proper siting of a building, to obtain a sufficient and potable water supply, and to provide adequate means of sewage disposal and drainage in accordance with the provisions of this Plan.
- j) Where a consent involves lands within 120m of lands designated Extractive Industrial, the potential for noise, dust and traffic impacts shall be assessed. An impact assessment prepared by a qualified professional may be required.
- k) When reviewing consent applications or plans of subdivision, Council and the Committee of Adjustment will give consideration to the following conditions.
  - i. That all Realty and Business Taxes, if any are to be paid in full;
  - ii. A development charge is to be paid to the Township to cover present and future community services.
  - iii. That land up to 5% of the area of the lands be conveyed to the Township for park purposes, or up to 5% of the value of the lot is to be conveyed to the Township for its park fund;



- iv. Any required road widening be dedicated to the Township;
- v. The Township's implementing Zoning By-law is to be amended, if necessary, to permit the proposed use;
- vi. That the applicant enter into an Agreement to construct and/or maintain any drainage facilities servicing the agricultural sector which traverse the subject property;
- vii. That the applicant, if required, agree to construct and/or maintain fences around the proposed lot;
- viii. That access to the property be constructed to the satisfaction and requirements of the Township and other appropriate agencies.

## **7.4 AGRICULTURAL CONSENTS**

In addition to the policies of 7.3, the following specific policies shall apply to those lands designated "Agricultural" on Schedule "A" of this Plan.

### **7.4.1 Division of Farm Lots**

A consent may be granted to permit a farm lot to be divided into smaller farm lots provided each lot is of a size that is appropriate for the type of agricultural use that is proposed or is common on the Island, and is sufficiently large to maintain flexibility for future changes in the type and size of the agricultural operation.

### **7.4.2 Undersized Farm Parcels**

Where an application is made to permit the severance of a parcel for agricultural use which is smaller than the minimum lot size set out in the Zoning By-law, the applicant must demonstrate through a business plan and associated detailed information that the farm operation(s) proposed for the undersized parcel(s) will be an economical operation capable of substantially contributing to the support of the farming household within five years.

A zoning by-law amendment will be required for the undersized parcel(s), and other conditions may be imposed on such consents in order to ensure that the proposed undersized farm lot is operated and developed as described in the application.

### **7.4.3 Surplus Dwellings**

A consent may be granted to sever an existing dwelling that has been made surplus to the needs of the farm operation as a result of farm consolidation, provided that the Zoning Bylaw shall be amended to prohibit construction of a new dwelling on the retained parcel created by the consent.



## **SECTION 8 – IMPLEMENTATION**

### **8.1 INTERPRETATION**

It is not intended that this Plan be inflexible and rigid in its interpretation. The boundaries of land use designations and overlays shown on the schedules are considered as approximate unless they are bounded by roads or other physical features of barriers. Numerical criteria listed in the text are considered as approximate only, and not absolute.

Unless a contrary intention is clear from the text, the definitions of terms contained in the Provincial Policy Statement (2005) apply to terms used in this Plan.

Where the meaning of any phrasing in this Plan is unclear, the meaning will be determined in the context of the general policy direction provided by this Plan. Examples of permitted uses that are listed in the Plan are not meant to be complete or exhaustive, but to illustrate the range of activities or uses which are permitted within each land use designation.

### **8.2 OTHER LEGISLATION**

This Plan does not override statutory obligations contained in other applicable legislation, such as the Endangered Species Act (2007) and the Environmental Assessment Act.

### **8.3 OFFICIAL PLAN MONITORING AND REVIEW**

Monitoring of this Plan and the efficacy of its policies will be important, particularly within the first five years of its use. It is expected that there will be major changes on the Island. Key measures relating to private development, municipal services, tourism, the transportation system and the protection and enhancement of natural heritage, among others, will need to be assessed on a regular basis.

This Plan may be amended as necessary to address changes in assumptions or in trends. Not less than every five years after this Plan comes into effect, the Plan will undergo a major review, in accordance with the Planning Act, and will provide an opportunity for members of the public to make submissions on the need for amendment of the Plan. The purpose of the review will be to ensure that the policies of the Plan are



effective, and that they are realistic and appropriate in the context of changing social, economic and environmental conditions, and that they appropriately reflect current provincial interests.

The Plan will be revised as required to ensure that it conforms with provincial plans or does not conflict with them, has regard to the matters of provincial interest listed in Section 2 of the Planning Act, and is consistent with policy statements issued under Subsection 3(1) of the Planning Act. Before revising the Official Plan, Council will consult with the provincial approval authority and with prescribed public bodies with respect to such revisions and will hold a special meeting of Council that is open to the public.

Where in this Plan large areas of land are designated for Resort Development, Residential, or other forms of development, it shall be the policy that such lands, if undeveloped, shall not retain this designation indefinitely. Rather, upon each five-year review of this Plan, lands which have not commenced development and have not demonstrated substantial progress toward development in conformity with the Plan may be re-designated by amendment to this Plan to "Agricultural".

#### **8.4 ZONING BYLAW**

Council will prepare and adopt a new Comprehensive Zoning Bylaw to implement this Plan.

#### **8.5 NON-CONFORMING USES**

- 1) It is intended that a use which does not conform to the policies of this Plan will normally cease to exist in the long term.
- 2) Where a legally established use does not conform with the policies of this Plan, Council may consider recognizing the use as a permitted use in the Zoning Bylaw, where it is satisfied that:
  - a) The use is not incompatible with, or harmful to, nearby uses;
  - b) The use will not detract from the future intended land uses for the area;
  - c) The zoning would not set a precedent to encourage similar uses in the area.

#### **8.6 HOLDING ZONES**

Certain areas will be zoned for their intended uses but will have a holding (h) symbol added. The additional of this symbol will delay the final approval of development until such time as conditions specified in the by-law are met. When the conditions are met, the Township will pass the necessary by-law to remove the (h) symbol.



## **8.7 TEMPORARY USE BY-LAW**

Pursuant to Section 39 of the Planning Act, Council may pass “temporary use by-laws” to authorize the temporary use of land, building or structures for a purpose not otherwise authorized by the Zoning By-law for a specific period of time not to exceed three years. Council may pass subsequent by-laws for granting extensions for up to three years.

## **8.8 SITE PLAN CONTROL**

### **8.8.1 Site Plan Control**

The entire Township of Pelee is a proposed Site Plan Control Area. Council may, by by-law, designate this area in whole or in part as a Site Plan Control Area.

In order to improve the efficiency of land use and servicing, and to encourage a more attractive and sustainable form of development, Site Plan Control will have the following objectives:

- a) To ensure a high standard of the site design for new development;
- b) To ensure safety and efficiency of vehicular and pedestrian access.
- c) To minimize incompatibilities between new and existing development.
- d) To ensure appropriate measures to protect natural heritage.
- e) To control the location of driveways, parking, loading and garbage collection facilities.
- f) To secure easements of grading easements and alterations necessary for public utilities and site drainage.
- g) To ensure that the development proposed is built and maintained as approved by Council.

Site plan control will apply to all types of new development and to the expansion of existing uses within the Township, with the exception of one- and two-unit residential development and agricultural development. The Township will also require the submission of drawings as detailed in Section 41(4) of the Planning Act, for all other residential buildings, including those containing less than twenty-five dwelling units.

This policy shall be implemented through the adoption of one or more Site Plan Control By-Laws designating specific Site Plan control Areas in accordance with Section 41(2) of the Planning Act.



## **8.9 DOCUMENTS TO SUPPORT AN APPLICATION**

The preparation and submission of one or more studies or reports may be required in support of an application for Official Plan or Zoning Bylaw Amendment or for draft Plan of Subdivision or Condominium. Council may require a peer review of any such study to be undertaken at the cost of the applicant.

The proponent shall be required to pre-consult with the Township before filing an application for Official Plan or Zoning Bylaw amendment and before filing an application for draft Plan of Subdivision or Condominium with the approval authority.

During the pre-consultation process, the Township will identify the nature and scope of studies required to support the application.

Required studies shall include, but are not limited to:

- a) Environmental Impact Study (EIS) in accordance with the requirements of Section 4 of this Plan.
- b) Phase 1 Environmental Site Assessment if, in the opinion of the Township, the existing or previous uses of the site or adjacent lands create a potential for site contamination.
- c) Planning Justification Report.
- d) Preliminary Servicing Study.
- e) Archaeological Assessment.
- f) Cultural Heritage Report.
- g) Flooding and Erosion Report.
- h) Geotechnical Report.
- i) Hydrogeological Report.
- j) Noise/Odours/Nuisance/Dust/Vibration Study.
- k) Stormwater Management Report.
- l) Traffic Impact Study.
- m) Financial Impact Analysis.
- n) Agriculture Impact Assessment Report

## **8.10 PUBLIC NOTIFICATION PROCEDURES**

Prior to the Township adopting an amendment to this Plan or approving a Zoning By-law, it shall provide adequate information to such boards, agencies, or commissions that may have an interest, and to the general public pertaining to the application and at the scheduled Public Meeting and/or meetings. Such information, notices and public meetings shall be in accordance with the provisions of the Planning Act.



### **8.11 FIRST NATION CONSULTATION AND PARTICIPATION**

Portions of the Lake Erie lake bed and its islands, including Pelee Island and the Out Islands, are located within the Traditional Territory of the Walpole Island First Nation ("WIFN"). WIFN has prepared a Consultation and Accommodation Protocol which documents WIFN's rights and interests in its Traditional Territory and outlines how and when consultation is to take place. The Township will consult the most recent version of the protocol early in the review of new development applications to ensure that appropriate contact is made with WIFN.

Notwithstanding the policies of the Consultation Protocol, the following applications are matters that could require consultation with Walpole Island First Nation:

- a) Applications shown in the Natural Environment Designation identified on Schedule 'A' and the Environmental Review and Environmental Protection areas on Schedules 'B1' and 'B2', respectively, including adjacent lands;
- b) Any area identified through an Archaeological Assessment as having Aboriginal significance, artifacts, burial grounds or other items of potential interest;
- c) Any study of the Township's archaeological significance, such as an Archaeological Master Plan;
- d) Any applications for licenses or amendments to licenses issued under the Aggregate Resources Act, provided they also require approvals under the Planning Act for Official Plan or Zoning changes; and,
- e) Secondary Plans.

### **8.12 MUNICIPAL DEVELOPMENT STANDARDS**

Council may adopt development standards based on the unique rural and natural heritage characteristics of the Island and its special needs for energy conservation, water conservation, alternative transportation modes, and minimum disruption to flora and fauna, among others. These may result in standards significantly different from those of mainland municipalities.

New standards will have regard for accessibility for persons with disabilities.



## **SECTION 9 – SECONDARY PLANS**

In accordance with the policies of this Plan, this Section will be amended to include Secondary Plan policies for Resort Development areas, serviced Hamlet areas, and any other areas requiring a Secondary Plan.



# TOWNSHIP OF PEELEE

## APPENDIX 1

### LAKE ERIE

### FLOOD PRONE AREAS





## **APPENDIX 2**

### **Items to be Addressed in a Full Environmental Impact Assessment**

#### **Procedure**

1. Carried out by qualified professionals in the field of ecology, terrestrial and/or aquatic biology, environmental planning, and/or relevant earth sciences.
2. Early consultation with the relevant Conservation Authority to obtain input and relevant information. Where features are Provincially Significant, consultation with the Ministry of Natural Resources (MNR) will also be necessary.

#### **Description**

1. Proponent name and full contact information.
2. Purpose of the proposal.
3. Statement of rationale for the undertaking.
4. Alternative forms that the development might take.
5. Subject property location description (municipality, lot, concession, etc.) and maps.
6. Identification of all significant natural heritage designations or identifications (Environmentally Significant Area (ESA), Area of Natural and Scientific Interest (ANSI), Provincially Significant Wetland (PSW), etc.).
7. Site plans (including representations of alternative methods of development).
8. Existing land uses.
9. Existing ownership patterns.
10. Existing Official Plan designations and zoning.
11. Proposed Official Plan designations and zoning.
12. Description of alternative developments for subject lands.

#### **Natural Features/Ecological Functions**

1. Complete biological description of natural area:
  - a) Complete plant species inventory spanning the appropriate number of seasons based on recommendations from the relevant Conservation Authority and MNR. (taxonomy consistent with Natural Heritage Information Centre (NHIC) database).
  - b) Vegetation community description and mapping (consistent with Ontario Ministry of Natural Resources Ecological Land Classification (ELC) protocols) to the vegetation type level.



- c) Complete faunal inventory (taxonomy consistent with Natural Heritage Information Centre (NHIC) database).
  - G birds
  - G mammals
  - G reptiles
  - G amphibians
  - G fish
- d) Documentation of rare flora, fauna, and vegetation communities (rarity status as per Natural Heritage Information Centre (NHIC) database) including a detailed map of the location and distribution of these communities.
- e) Description of soil type(s) for the subject property to the standard of the ELC using Ontario Institute of Pedology (1985) and Ontario Centre for Soil Resource Evaluation (1993) information or other more recent guidelines as recommended by the Conservation Authority or Ministry of Natural Resources.
- f) Description of hydrological functions of the natural area:
  - G groundwater recharge/discharge
  - G flood attenuation
  - G upstream flood detention
  - G water quality improvement (pollution uptake, nutrient trap)
- g) Documentation of social and economic uses of the natural area (including hunting, trapping, fishing, education, nature appreciation, and research studies).

## Impacts

1. An explanation of the methods used to determine the effects of the proposed development on the natural features or ecological functions for which the area is identified.
2. Possible aerial extent of the natural area to be affected by the development (indirectly or directly).
3. Possible environmental effects of the development, with emphasis on the natural features or ecological functions for which the area is identified.
4. Evaluation of possible future impacts of the proposed development; including subsequent demand that may be generated by approval of this proposal.
5. Potential conflicts with existing site-specific habitat management practices.
6. A description of the opportunities on-site to replace/restore/create natural features and functions.
7. Actions necessary to prevent, change, mitigate or remedy the effects of:
  - G the development
  - G the alternative methods to carry out development, (such as scheduling the project at a different time of year)
  - G the alternatives to the form of the proposed development.



## **Summary**

1. Potential impacts in relation to criteria outlined above.
2. Potential advantages and disadvantages of the preferred development.
3. Alternative methods of carrying out the proposed development.
4. Mitigation measures.
5. Development approval measures necessary to secure advantages and minimize disadvantages of the proposed development.



### **Items to be Addressed in a Scoped Environmental Impact Assessment**

The following guidelines are recommended to assist in the preparation of a Scoped Environmental Impact Assessment :

Scoped Environmental Impact Assessments should differ from Full EIA's in that they evaluate the expected impacts of the specific proposal and would not necessarily look at the entire natural area. They assume feasibility of specific types of development and address the appropriate manner for the development to occur. Full EIA's evaluate the feasibility of the proposal and possible negative surrounding impacts.

Early consultation with the respective Conservation Authority is recommended in order to determine the scale of the EIA recommended; available information, concerns, etc.

Qualified professionals in the field of ecology, terrestrial and/or aquatic biology, environmental planning, and/or relevant earth sciences, should carry out the Scoped Environmental Impact Assessment.

Scoped EIA's should typically include the following information:

- 1) Proponent Name and Address
- 2) Location
- 3) Type of Proposal ( e.g. planning application, building permit.)
- 4) Type of Natural Area (e.g. Regionally Significant Woodland, ANSI, Candidate Natural Heritage Site, etc.) and whether the proposal is within or "adjacent".
- 5) Identify and comment on the existing significant natural features, linkages, and ecological functions in the vicinity and potential impacts by the proposed development.
- 6) Evaluate the potential impacts of the proposed development on the existing significant natural functions and features for which the site has been identified.
- 7) The maximum cleared area to conform with the Scoped EIA would typically not exceed ½ acre .21800 s.f. Or 0.2 ha = 2000m<sup>2</sup>. Determine the most appropriate location/configuration for the proposed cleared areas in order to prevent impacts on the significant features. Describe the size, location and configuration of all buildings/ structures proposed within this area. A location map should be included which identifies the proposed location of the structure(s).
- 8) Describe what site specific mitigation is required in addition to the measures identified in the "Checklist" (see 3.4)



### Items to be Addressed in a Checklist Type of EIA

It is intended that for certain applications on "adjacent lands", (as generally outlined in Table 3.1) the municipality, in consultation with the Conservation Authority may determine that a checklist can be used as an alternative to, or as part of, a scoped EIA. In these situations, the checklist would be used as part of the building permit to ensure that the development will have no negative impacts.

Early consultation with the respective Conservation Authority is recommended to ensure the optimal approach is taken.

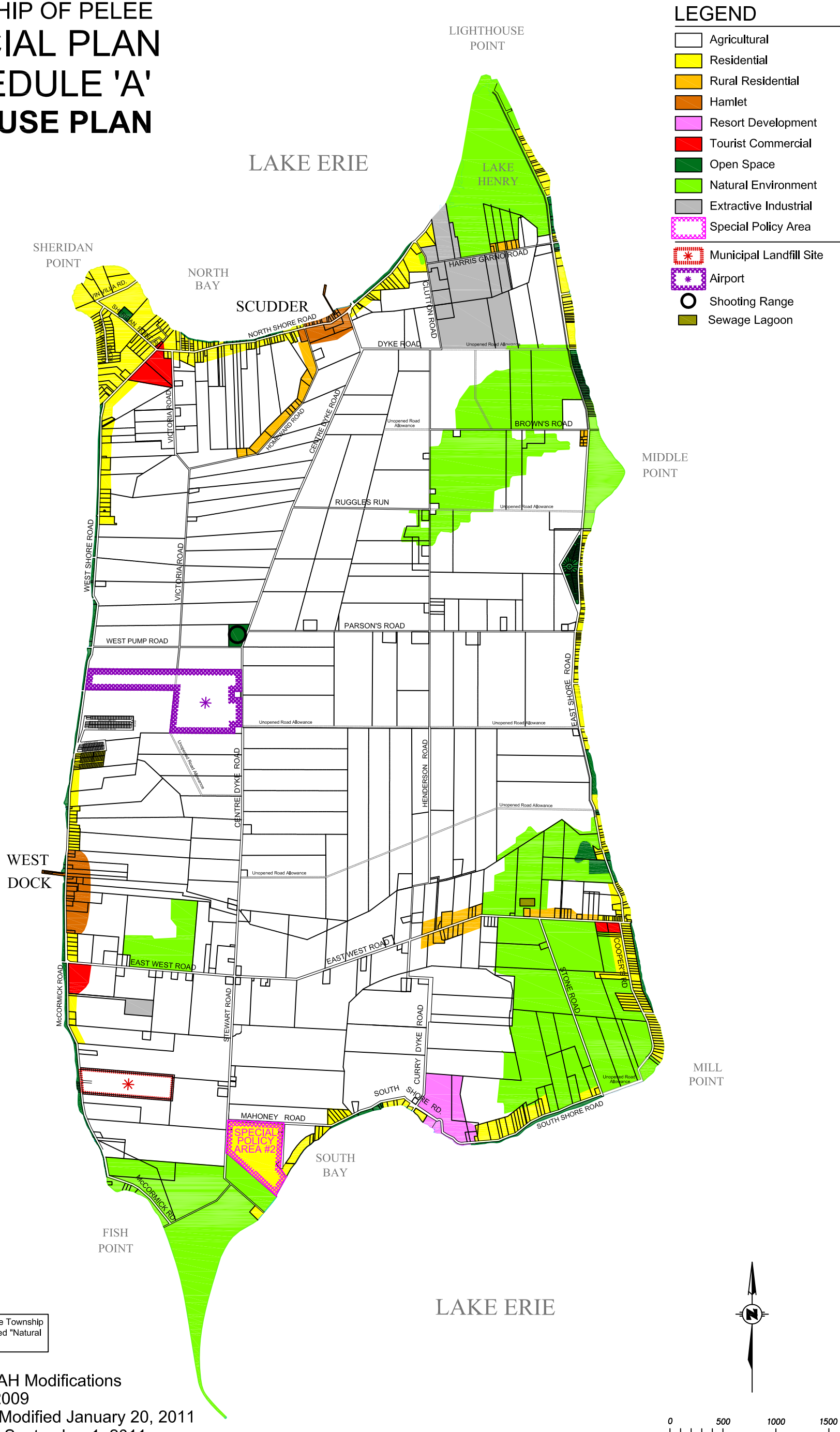
The checklist should be used by the property owner or their expert in consultation with the Municipal Building Official.

The Checklist should include the following items:

- 1) A minimum 5 m buffer area should include native trees, shrubs or unmanicured ground cover. (alternative to a substantial fence.)  
Please check this box if the requirement has been fulfilled ☐ G  
Describe the width of the provided buffer area. \_\_\_\_\_  
Describe fence if any. \_\_\_\_\_
- 2) If a buffer area is created, an optional cleared trail access of a maximum of 5m can be maintained.  
Please check this box if this option is desired ☐ G  
Describe the trail width. \_\_\_\_\_
- 3) The minimum sideyard or rearyard setback for all buildings / structures should be 10m from the adjacent natural area. (15 metres preferred / recommended.)  
Please check this box if the requirement has been fulfilled ☐ G  
Describe the setbacks maintained. \_\_\_\_\_
- 4) A swale (outside the naturalized buffer if any, and above the natural grade,) to be constructed prior to any site alteration and permanently maintained; directed to,  
  
Select one of the following:  
a) an existing ditch ☐ G  
b) new outlet at a minimum of 50m from the area of natural significance. ☐ G  
Describe the outlet \_\_\_\_\_
- 5) All components of the septic system should also be located outside the 10m setback unless special measures have been taken.  
  
Please check this box if the setback has been maintained ☐ G  
If the setback has not been maintained, describe the provisions taken to intercept surface and sub-surface water.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWNSHIP OF PEELEE OFFICIAL PLAN SCHEDULE 'A' LAND USE PLAN



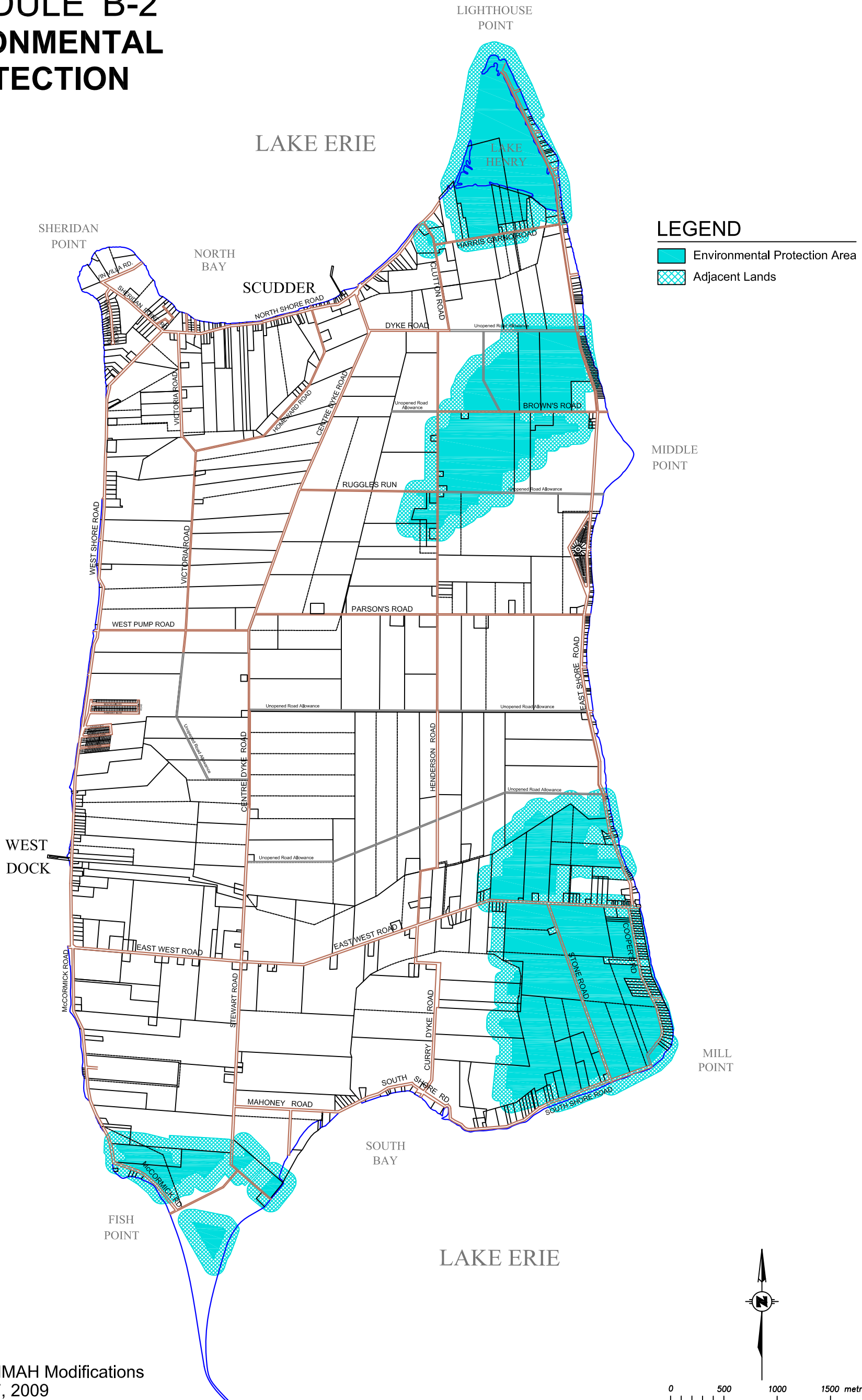


# TOWNSHIP OF PEELEE SCHEDULE 'B-1' ENVIRONMENTAL REVIEW



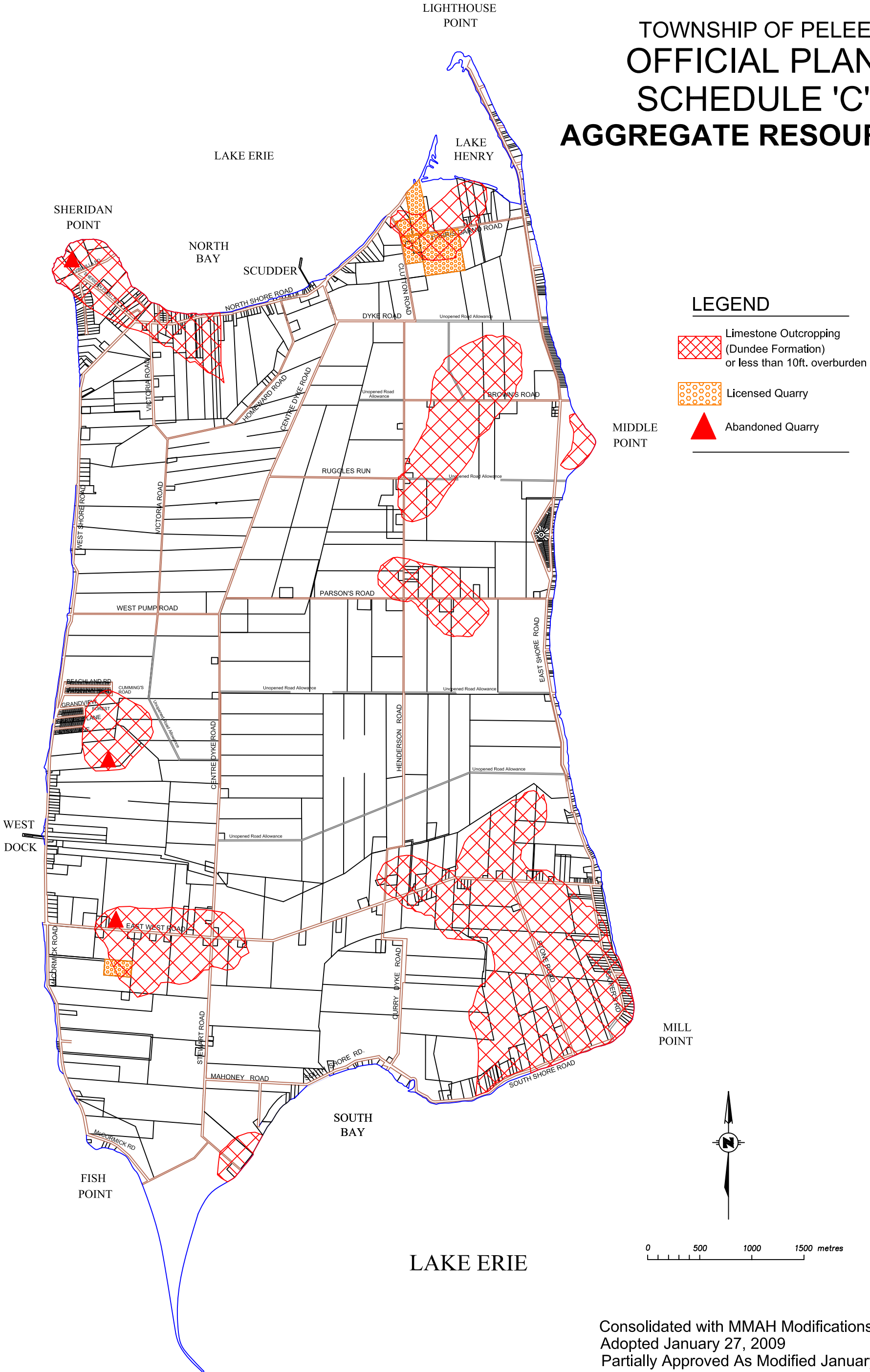


TOWNSHIP OF PELEE  
SCHEDULE 'B-2'  
ENVIRONMENTAL  
PROTECTION





TOWNSHIP OF PELEE  
OFFICIAL PLAN  
SCHEDULE 'C'  
AGGREGATE RESOURCES



Consolidated with MMAH Modifications  
Adopted January 27, 2009  
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