

The Corporation of the Township of Pelee

By-law No. 1565

(Being a By-law to amend
the Township's Official Plan)

NOW THEREFORE, the Council of the Corporation of the Township of Pelee, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, as amended, **HEREBY ENACTS AS FOLLOWS:**


THAT Amendment No. 3 to the Official Plan for the Township of Pelee, consisting of the attached explanatory text and map, is hereby adopted;

AND THAT the Clerk-Treasurer is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval for Amendment No. 3 to the Official Plan of the Township of Pelee;

AND THAT this by-law shall come into force and take effect on the day of the final passing thereof.

AND THAT its short title shall be McDevitt OP Amendment.

Enacted and passed this 7th day of July, 1999.


Reeve


c/s
Daphne Blais Rae
Clerk-Treasurer

Clerk's Certificate

I, Daphne Blais Rae, Clerk-Treasurer of the Township of Pelee, DO HEREBY CERTIFY the foregoing to be a true copy of the By-law No. 1565 as enacted and passed by Council of the said Corporation of the Township of Pelee, on the 7th day of July, 1999.

CERTIFIED THIS day of ,1999

Daphne Blais Rae, AMCT
Clerk-Treasurer

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute part of this amendment.

PART B - THE AMENDMENT, consisting of the following text and map, constitutes Amendment No. 3 to the Official Plan for the Township of Pelee.

Also attached is PART C - THE APPENDICES which does not constitute part of this amendment. These appendices contain the planning considerations and public involvement associated with this amendment.

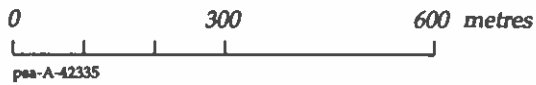
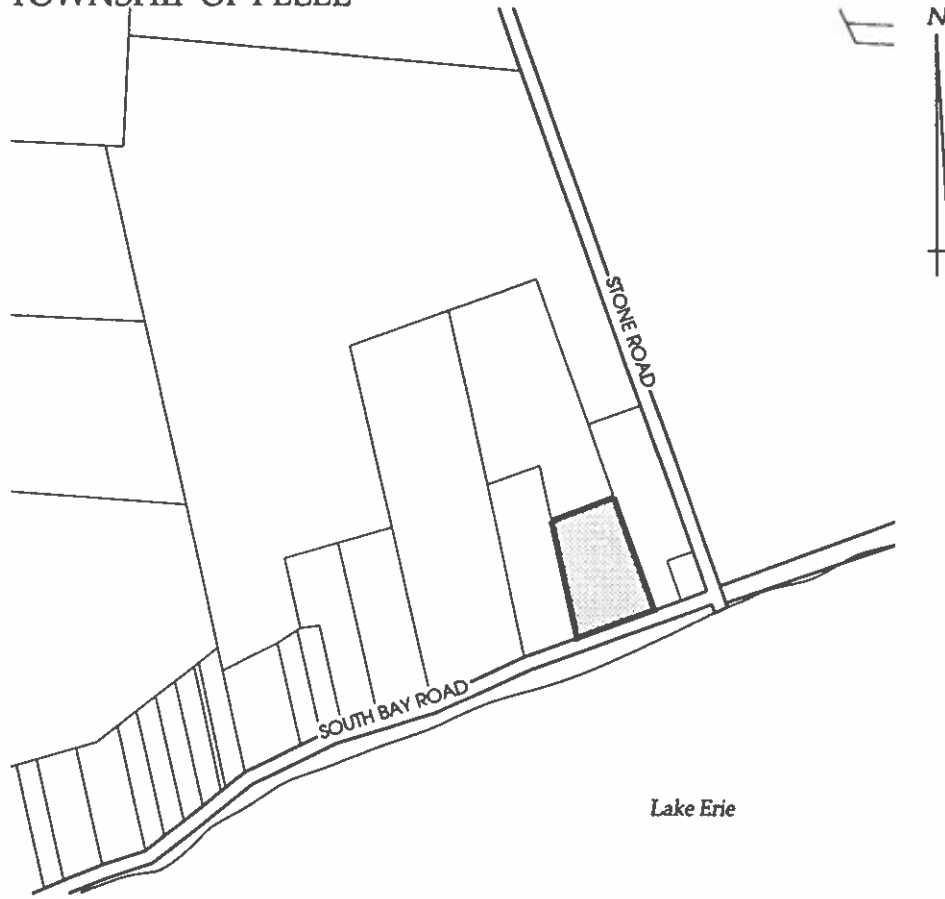
PART A - THE PREAMBLE

Purpose and Basis of the Amendment

The purpose of this amendment is to change the designation on approximately 2 hectares (5 acres) of a 6.8 hectare (17 acre) site situated on the north side of South Bay Road, west of Stone Road (see Map One for location) from "Residential" to "Tourist Commercial" and to introduce a new site specific policy. The proposed change in designation and associated site specific policy will allow the development of a lodge facility, with not more than 30 guest rooms, on the front portion of the subject property along with associated uses including a central kitchen and dining room, recreational facilities and hiking trails. In addition, a maximum of two dwelling units shall be allowed within one of the main lodge buildings. Currently, the Official Plan designates the front 2 hectares (5 acres) Residential, while the balance of the 6.8 hectare (17 acre) site is designated Future Resort Development. All development is to be serviced to the satisfaction of the Township and the Ministry of the Environment or its designated agent and shall be subject to site plan control.

The Residential designation allows single unit dwellings and bed and breakfast uses. The lodge use proposed is beyond that which would typically constitute a bed and breakfast establishment. An amendment to the Official Plan is therefore required prior to this proposal proceeding.

MAP ONE
OFFICIAL PLAN AMENDMENT NO. 3
PART OF LOT 36, REGISTERED PLAN 35
TOWNSHIP OF PELEE



Subject Property

PART B - THE AMENDMENT

Details of the Amendment

The Official Plan for the Township of Pelee, as amended, is hereby further amended as follows:

1. Schedule "A-2", Future Land Use Plan, to the Official Plan of the Township of Pelee, as amended, is hereby further amended by changing the land use designation on a 2 hectare area described as Part of Lot 36, Registered Plan 35, situated on the north side of South Bay Road, west of Stone Road, as shown on Schedule "A" attached hereto and forming part of this amendment, from "Residential" to "Tourist Commercial".

2. Subsection 4.8, Land Use Plan for Lands Designated Tourist Commercial, is hereby amended by the addition of the following sentence to the end of the opening paragraph:

"In addition to the foregoing, a third area of land is designated Tourist Commercial on Schedule "A-2" on the north side of South Bay Road, west of Stone Road. This third designation allows the introduction of a new tourist commercial type use in accordance with the following policies."

3. Subsection 4.8.2, Policies for Lands Designated Tourist Commercial, is hereby amended by the addition of a new subparagraph g) to immediately follow subparagraph f) and to read as follows:

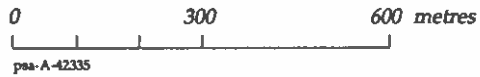
"g) Special Policy Relating to the McDivitt Property in Registered Plan 35, Part of Lot 36 (north side of South Bay Road, west of Stone Road)

Notwithstanding any other policies of this Plan to the contrary, the permitted uses are restricted to a lodge, consisting of one or more buildings and as defined in the implementing zoning by-law, containing not more than 30 guest rooms and associated uses including a central kitchen and dining area, recreational uses and a maximum of two dwelling units located within one of the lodge buildings. It is the policy of this Plan that freestanding residential dwellings are not permitted. All development shall be subject to site plan control."

Implementation of the Amendment

This amendment will be implemented through the adoption of an amendment to the Township's zoning by-law and the execution of a site plan control agreement.

SCHEDULE "A"
OFFICIAL PLAN AMENDMENT NO. 3
PART OF LOT 36, REGISTERED PLAN 35
TOWNSHIP OF PELEE



 Change from "Residential" to "Tourist Commercial"

This is Schedule "A" to By-law No. 1565.

Passed the 7th day of July, 1999.

Signed


Reeve


Clerk-Treasurer

PART C - THE APPENDICES

Appendix 1 - Planning Analysis

The purpose of this amendment is to redesignate approximately 2 hectares (5 acres) of a 6.8 hectare (17 acre) site situated on the north side of South Bay Road, west of Stone Road, from "Residential" to "Tourist Commercial" and to introduce a site specific land use policy. The Tourist Commercial designation and associated site specific policy will allow the development of a lodge facility, with not more than 30 guest rooms, on the front portion of the subject property along with associated uses including a central kitchen and dining room, recreational facilities and hiking trails. In addition, a maximum of two dwelling units shall be allowed within one of the main lodge buildings. Currently, the Official Plan designates the 2 hectare (5 acre) front portion of the subject property Residential, while the remainder of the 6.8 hectare (17 acre) site is designated Future Resort Development. All development is to be serviced to the satisfaction of the Township and the Ministry of the Environment or its designated agent and shall be subject to site plan control.

The Township of Pelee's Official Plan received Provincial approval in 1991. The Plan recognized that changes to the Island could be expected with the provision of a larger ferry providing transportation links to the mainlands of Ontario and Ohio. This larger ferry has been in service since 1993. The Plan establishes that the municipality should capitalize upon the growing external demand for tourist and recreation resort development in an attempt to bolster the Island's declining economy while having regard for the natural environment and existing development. On the basis of the foregoing, the Plan (Subsection 3.3) establishes several major goals, which are as follows:

- 1) the encouragement of future development;
- 2) the maximization of employment opportunities through the encouragement of tourist and seasonal residential uses;
- 3) the retention of natural environmental attributes;
- 4) the preservation and protection of the agricultural land base;
- 5) the encouragement of future development being compatible with existing land uses; and
- 6) the protection of heritage resources.

It is believed that the subject proposal is in keeping with the intent of the foregoing goals as indicated in the following analysis:

Official Plan Goals 1) and 2)

It is the position of the Municipality that in order to help stimulate the island's economy and provide needed accommodations for the tourist industry, the subject proposal is necessary.

There are currently only two parcels of land within the Tourist Commercial designation. This designation recognizes the tourist commercial uses that exist on the respective parcels and allows some expansion. A report, entitled "Pelee Island Economic Development Study", dated January 1989, asserted that there must be an attempt to expand the existing supply of lodge type facilities to meet the increasing demand for overnight accommodation by tourists visiting the island. To achieve this, the report recommended that land be made available as part of an update of the Official Plan to provide for accommodation facilities which are of a scale suitable to the island's character.

In addition to satisfying a need for accommodating overnight tourists, the proposed development will assist in providing employment opportunities for Pelee Island residents. The Economic Development Study indicated that tourism was an important form of revenue on the Island and that efforts should be made to stimulate additional tourist activity. The subject development assists in achieving increased tourist activity through the provision of a new lodge facility. As a result, there is an opportunity to stimulate economic and community development and to create jobs for local residents.

Official Plan Goal 3)

The northerly 6.8 hectares (17 acres) of the subject property are designated Future Resort Development. This designation contemplates a resort style development of considerable magnitude subject to the completion of a comprehensive secondary plan and associated Official Plan amendment. Notwithstanding the future development potential of these northerly lands, the Essex Region Conservation Authority has indicated that there are significant natural features on the site which warrant protection. Accordingly, it is believed more appropriate to allow development on the portion of the subject property which does not contain these natural features, that being the lands to be redesignated to Tourist Commercial. This allows the northerly portion of the site to remain in a natural state and to form part of the attributes of the overall project through the use of trails and passive recreational use by those persons occupying the lodge.

Official Plan Goal 4)

The lodge is proposed on lands which the Official Plan currently designates Residential. This is preferred to redesignating Agricultural lands and introducing a non-farm use to a prime agricultural area. Accordingly, the proposed amendment does not adversely affect the remaining amount of agricultural land as designated in the Plan

Official Plan Goal 5)

South Bay Road runs adjacent to the Lake Erie shoreline for the a majority of the area in the vicinity of the subject property. A single tier of residential development is situated along the north side of this road. Beyond this tier to the north and northwest, the land is designated Future Resort Development. This designation contemplates the future development of a

major resort destination once, among other things, a servicing strategy is approved and a detailed secondary plan is incorporated into the Official Plan. It is currently the direction of the Plan to allow rather intensive development in this general vicinity of the island upon the completion of the necessary background studies. Accordingly, the introduction of the lodge as proposed is generally in keeping with the long term development expectations of the broader area and would be compatible with this future development. To ensure the compatibility of this proposal within the context of both its immediate setting and the island in general, particular attention will have to be given to the design and layout of the site in order to ensure that it is appropriately integrated with the unique setting of the Island. Appropriate site plan control measures will be one of the means available to the Township to accomplish this objective as well as restricting the main use to a lodge of a maximum size, in this instance 30 guest rooms. In conclusion, it is believed that the subject proposal is compatible with existing uses and would complement the intended future use of the surrounding area.

Official Plan Goal 6)

It is believed that the subject proposal will not adversely affect the islands heritage resources.

In addition to the development assisting the Township in meeting the Major Goals established in the Official Plan, it is noted that the subject area has desirable locational attributes for a lodge. These include the view and accessibility of the Lake Erie shoreline to the south across South Bay Road, the natural area to the north and the fact that it is adjacent to lands which over the long term are contemplated for resort style development. The size of the subject property will allow sufficient room to appropriately accommodate the proposed development. Further, it is the position of the Township that an appropriate location in the hamlet area is not available. It is the long term objective of the Official Plan that the hamlet areas become the focus for commercial development on the island. Retail uses, taverns, hotels and restaurants are encouraged to locate within these areas. The Township agrees with the applicant that the success of a lodge is contingent upon it being located in an area which is desirable to the travelling public and away from the higher degree of activity associated with the commercial districts on the island. The location selected in this instance provides a suitable setting for visitors to the island and it is believed that these visitors will respect and not adversely affect the use of land of those residents living in the vicinity of the subject property.

Conclusion

On the basis of the foregoing, the Municipality supports the redesignation of the subject two hectare area from Residential to Tourist Commercial along with the introduction of a new site specific land use policy. It is believed that these changes to the Official Plan are in keeping with the general goals of the Plan, are able to satisfy the requirements of Provincial Policies/Guidelines and are in keeping with sound planning principles.

Appendix 2 - Public Participation

The minutes of the statutory public meeting held on Monday, June 21st, 1999 are attached.