

**The
Corporation
of the
Township of
Enniskillen

Official
Plan**



**Prepared with the
assistance of:
The County of Lambton
Planning & Development
Services Department**

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This Plan was adopted by the Township of Enniskillen Council on August 4, 2015, by By-Law 50 of 2015. The County of Lambton, as approval authority, approved this plan in part on August 27, 2015 without modifications. A decision has been deferred with respect to portions of Sections 2.5 and 2.11 c). This Plan is an update to the previous Official Plan adopted by By-law 12 of 2005.

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Part A

Introduction

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1 Introduction

1.1 Purpose of the Plan

The policies contained herein, together with any Land Use or other Schedule(s) and any amendment(s), which are adopted and finalised pursuant to the Planning Act, constitute the Official Plan for the Municipality.

The purpose of these policies is:

- a) to provide a planning policy framework for decision-making by the Municipality and its Committees, and other public bodies;
- b) to serve as a guide for the public and the business community regarding the growth and development of the Municipality; and
- c) to provide a local context for the application of Provincial and County planning policies.

The policies contained herein are established primarily to guide the physical development of the Municipality while having regard to relevant social, economic and environmental matters.

1.2 Effect of The Plan

After this Official Plan is adopted and finalized pursuant to the Planning Act, no public work shall be undertaken and, except as provided for under the Planning Act, no By-law shall be passed for any purpose that does not conform to the Plan.

1.3 Basis of the Plan

While it is recognized that both the Province of Ontario and the County of Lambton have planning policies establishing the general planning policy context for growth and development at a Provincial and County scale, more detailed policies are necessary to reflect local circumstances, and long term goals and aspirations.

1.4 General Development Concept

The general development concept upon which this Plan is based is one that recognizes the historic land use patterns and development trends and builds upon these to promote efficient, cost-effective development and land use patterns which stimulate economic growth and protect the natural environment and public health.

Part B Land Use Policies

Section 2	Agricultural Area
Section 3	Rural Settlement Area
Section 4	Urban Settlement Area
Section 4.1	Residential
Section 4.2	Commercial
Section 4.3	Industrial
Section 4.5	Mixed Commercial/Industrial
Section 4.6	Open Space
Section 4.7	Institutional
Section 5	Natural Heritage
Section 6	Resource Extraction
Section 7	Rural Clusters

2 Agricultural Area

main permitted uses

2.1 In the Agricultural Area the main permitted uses of land are agricultural uses of all types, sizes, and intensities.

2.2 Agricultural uses include the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, accommodation for full-time farm labour when the size and nature of the operation requires additional employment, and accessory farm dwellings.

other permitted uses

2.3 Other uses permitted will include:

- a) On-farm diversified uses and home occupations that are secondary to the principal agricultural or residential use of the property and are limited in area, including, but not limited to, home occupations, home industries, bed and breakfast establishments, agri-tourism uses, and uses that produce value-added agricultural products from the farm operation on the property;
- b) Agriculture-related uses, meaning farm related commercial and farm related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity;
- c) Existing golf courses;
- d) Existing cemeteries and crematoria;
- e) Fish and game farms;
- f) Forestry;
- g) Petroleum resources exploration and extraction facilities;
- h) Conservation uses; and
- i) Limited residential uses.

agricultural uses

2.4 Agricultural uses will be given the highest priority in the Agricultural Area. Non-agricultural uses will generally be discouraged in the Agricultural Area and will be directed to appropriate settlement areas to preserve agricultural land and to avoid conflicts between farm and non-farm land uses.

lot size

- 2.5** The minimum lot size for agricultural uses will generally be 40 hectares *[a decision with respect to the 20 hectare figure adopted by Township Council has been deferred by the Approval Authority pursuant to Section 17 (34) (b) of the Planning Act, and the 40 hectare figure of the former Official Plan remains in effect in the interim]* in order to discourage the unwarranted fragmentation of farmland. This is not intended to prevent the creation of a limited number of smaller farm parcels required for the type of agriculture proposed, such as specialty crop production. Leasing of land should also be considered as an alternative to creating small farm parcels. This Plan supports the provision of agricultural land parcels of sufficient size for long term agricultural use recognizing the need to maintain maximum flexibility for farm operators to engage in differing types and sizes of agricultural operation.
- 2.6** Existing parcels of insufficient size for agricultural use will be encouraged to amalgamate with adjoining farmlands where possible.

right to farm concept

- 2.7** In the Agricultural Area agriculture is the primary long-term land use. Other uses, particularly non-farm residential, are attracted to the Agricultural area by lower land prices, and by the image of quiet, peaceful open space. Normal farm practices create odours; noise and dust associated with livestock, and heavy machinery, and involve early morning and late evening activities especially during planting and harvesting periods.
- 2.8** The main purpose of the Agricultural Area is to provide a secure land base for agricultural activities. The Municipality supports the 'Right-to-Farm' concept, and when applying the policies of this Plan, agricultural uses will be given priority over all others in the Agricultural Area.

minimum distance separation OPA No. 1

- 2.9** New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the Minimum Distance Separation (MDS) formulae. The MDS formulae are developed by the Province to separate livestock facilities and other land uses so as to reduce incompatibility concerns about livestock facilities. The MDS I formula provides minimum distance separation for new development from existing livestock facilities. The MDS II formula provides minimum distance separation for new or expanding livestock facilities from existing or approved development. Notwithstanding anything to the contrary, when implementing this section:
- a) The MDS I formula will be applied to development on existing lots of record.

- b) New residential lots containing a surplus farm dwelling must comply with MDS I setbacks to all livestock facilities including those already on a separate lot from the dwelling.
- c) MDS requirements should generally not be reduced except where the reduction is minor in impact; desirable for the appropriate development or use of the land, building, or structure; and maintains the general intent and purpose of the MDS provisions of the Zoning By-law and Official Plan. Circumstances that mitigate environmental or public health and safety impacts or avoid natural or human-made hazards may be taken into consideration. Direction of prevailing winds; surrounding topography; trees, berms, or other screening; and similar elements may also be taken into consideration in applications to reduce MDS. Variances to MDS I may also take into consideration actual capacity in comparison to "potential nutrient units". It is not the intention of this Plan that such further reductions of MDS II will be granted in the following situations:
 - i) when the reduction is not necessary for maintaining the integrity and economic viability of the farming operation; or
 - ii) when a previous reduction has been granted for the same farming operation.

agricultural practices

2.10 The Municipality will encourage landowners to employ farm management practices that are sensitive to the natural environment, including the following:

- a) cultivation methods aimed at minimizing erosion, such as 'no-till' cultivation;
- b) re-establishment of natural features;
- c) planting of stabilizing vegetation on creek flats and slopes to minimize erosion and run-off;
- d) proper construction of drainage tile outlets to minimize erosion along watercourses;
- e) restricting livestock access to watercourses;
- f) appropriate application of fertilizers and herbicides to minimize chemical run-off;
- g) proper storage, handling and disposal of hazardous and non-hazardous pollutants;
- h) maintaining a buffer strip along watercourses, ditches and open drains; and
- i) farm Nutrient Management Plans/ Strategies.

new farm lots

2.11 The creation of new farm lots will be permitted where:

- a) the severed and retained lots are of sufficient size for agricultural use, including adequate land for manure utilization from livestock on the property;
- b) the severed and retained lots are of a nature and size, and have soil and drainage characteristics that are suitable to support an efficient farm unit and to provide meaningful on-site farm employment; and
- c) the size of the severed and retained lots conforms to the requirements of the Zoning By-law, except that:
 - i) despite the lot area requirement of Section 2.5 above, land may be severed from a farm parcel for lot addition purposes provided that the retained lot is a minimum of 40 hectares *[a decision with respect to the 20 hectare figure adopted by Township Council has been deferred by the Approval Authority pursuant to Section 17 (34) (b) of the Planning Act, and the 40 hectare figure of the former Official Plan remains in effect in the interim]* and the severed land is added to an abutting agricultural land holding; and
 - ii) land can be severed for agricultural purposes from a non-agricultural lot provided that the severed land is added to an abutting agricultural lot. The retained non-agricultural lot must meet the minimum lot size required for water supply and sewage disposal.

on-farm diversified uses and home occupations

2.12

On-farm diversified uses and home occupations will be encouraged as a means of contributing to the economy of the Agricultural Area and promoting entrepreneurship, innovation, and business incubation. Such uses will be subject to the policies of this Plan applicable to home occupations and the following policies:

- a) the use must be clearly secondary to the principle agricultural or residential use of the lot;
- b) the uses may include home occupations, home industries, bed and breakfast, agri-tourism uses, and uses that produce value-added agricultural products from the farm operation on the property (value added businesses);
- c) any buildings or structures associated with such uses should be of a design and style that will allow for ease of conversion to an agricultural use if the secondary use should cease;
- d) the use must be compatible with and not hinder surrounding agricultural operations;
- e) in agricultural areas, greater separations and the ability to provide buffers generally exist and certain home occupations that would not be appropriate in residential areas may be permitted;
- f) uses that have more substantial objectionable features may be restricted where adequate separation and/or buffering requirements cannot be met from sensitive uses;

- g) uses that have highly objectionable features by reason of noise, smoke, dust, fumes or other emissions, hours of operation, outdoor activities, or storage of equipment or materials or uses that have potential to lead to serious site contamination will not be permitted as home industries;
- h) appropriate development standards must be contained in the Zoning By-law regarding the maximum floor area for such uses, signage, access, parking, outside storage, etc.;
- i) as a minimum, site plan approval and site plan agreements will be required where the general public may be permitted on site; and
- j) the severance of on-farm-diversified and other secondary uses from the farm lot will not be permitted.

value added businesses

2.13 Value added businesses will be encouraged in agricultural areas as a means of diversifying farm income and employment opportunities and increasing the value of produce leaving the farm. The policies applicable to other home occupations shall apply subject to the following:

- a) the business must be based primarily on the processing and/or marketing of commodities or by-products produced by the farming operation itself;
- b) retail sale of products produced on site shall be permitted;
- c) the business may be larger in scale than other home or secondary industries in terms of employees, floor area and intensity of activities. Limits shall be outlined in the Zoning By-law;
- d) the business may be visible as a separate component of the agricultural operation and a greater degree of nuisance features will be tolerated than with home occupations or secondary uses that are not directly tied to agricultural use;
- e) such uses are encouraged to work in collaboration with other local businesses and organizations to develop a common cultural identity for the community and to focus on aspects that are unique to and promote the local area - such as unique local foods;
- f) a zoning amendment to permit an established value added business to expand beyond the size limits in the zoning by-law or diversify its activities may be permitted, but severance of a value added business from the agricultural parcel is prohibited; and
- g) Council may require a site plan agreement as a condition of a building permit.

agri-tourism

2.14 Agri-tourism uses, meaning farm-related tourism and commercial uses associated with and sited on a functioning farm operation or value-added business, are permitted subject to the following policies:

- a) the development of agri-tourism uses must not unduly impact agricultural uses;
- b) such uses shall be primarily rooted in activities promoting education in and/or enjoyment of farm operation, rural culture and economy, food and crop production, livestock, and/or agricultural history;
- c) secondary activities may include recreational activities, promotion and education in local history, or passive enjoyment and education in natural heritage;
- d) limited temporary lodgings such as bed and breakfasts may be offered;
- e) the zoning by-law shall set out appropriate parameters and definitions of agri-tourism uses that are permitted as of right. Uses that exceed the zoning parameters may be permitted on a case by case basis through a site-specific zoning amendment or minor variance; and
- f) the policies applicable to home occupations and value-added businesses shall apply with appropriate modifications.

agriculture related uses

2.15.1 Agriculture-related uses shall be permitted as an accessory agricultural use where:

- a) the use is operated by and clearly secondary to a farm operation, and the product or service offered to the farm operations in the area is required by the farm operation itself because of the nature of the agricultural uses conducted with that farm operation;
- b) the use will be compatible with and not hinder surrounding agricultural operations;
- c) a minimum of land is taken out of agricultural production; and
- d) the severance of such uses is prohibited.

2.15.2 Additional agriculture-related uses, whether or not operated as part of a farm operation, shall be permitted in the Agricultural Area. Examples of such uses include, but are not limited to, grain dryers, feed mills, grain and seed storage facilities, agricultural products and produce processing facilities, bulk farm supply dealers, farm machinery sales and service, and livestock assembly points. Such uses shall be permitted where:

- a) A Zoning amendment is obtained to change the designation to a commercial, industrial, or appropriate site-specific zone;
- b) the use is essential to the agricultural economy and provides as a primary activity, almost exclusively to local agricultural operations, direct products and/or services that are largely unique to agricultural use;
- c) the use would not be more appropriate in or adjacent to a settlement, an existing commercial or industrial designation, a rural cluster, or an area with partial or full services;

- d) the use is limited in area and a minimum of land is removed from agricultural crop production;
- e) the use does not negatively affect natural heritage features or systems;
- f) the use is located in conformity with the Minimum Distance Separation formulae, respects the area's agricultural character, and is compatible with and does not hinder surrounding agriculture operations;
- g) the use will be compatible with and provides appropriate separations from existing residential and other sensitive development in the area in compliance with the Land Use Compatibility requirements in Part C of this Plan;
- h) the requirements of the Province, the County, and the Municipality (or its designated agent) regarding water supply and sewage disposal can be met; and
- i) the use is located on a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses;

2.15.3 Site plan approval and site plan agreements may be required for agriculture-related uses.

2.15.4 Severance of agriculture-related uses described under Section 2.15.2 will be discouraged, but may be considered on a case by case basis having consideration for the viability of the use, subsequent uses of the proposed parcel, and the size and viability of the balance of the farm parcel.

recreational and open space uses

2.16 Limited recreational and open space uses may be permitted in the Agricultural Area where:

- a) the lands are appropriately designated in this Plan and zoned for the proposed use in the Zoning By-law;
- b) the land does not comprise a specialty crop area;
- c) there is an identified need or demand for additional land to be designated to accommodate the proposed use;
- d) alternative sites have been evaluated and there are no reasonable alternative locations which avoid prime agricultural areas, and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands;
- e) the proposed use is located in compliance with the minimum distance separation formulae; and
- f) the use will have a minimal negative impact on agricultural operations and no negative impact (as defined in Section 5.1.13) on natural heritage features or their ecological functions.

residential uses

2.17 Residential uses permitted are as follows:

-
- a) New single detached dwellings accessory to agriculture, provided the maximum number of dwellings permitted per agricultural lot is two, and where a second dwelling is to be added on a lot:
 - i) both dwellings must be occupied by persons employed by the farm operation;
 - ii) the new dwelling must be grouped with the existing dwelling and farm buildings; and
 - iii) neither of the dwellings may be severed from the farm as a residential lot;
 - b) Existing single-detached non-farm dwellings;
 - c) New single-detached non-farm dwellings, constructed on vacant lots existing on the date of adoption of this Plan, and held in distinct and separate ownership from abutting lands, subject to the following conditions:
 - i) the lot is suitable for residential construction;
 - ii) the lot meets the requirements of the Province, the County, and the Municipality regarding water supply and sewage disposal;
 - iii) the lot is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agriculture activities;
 - iv) direct access is available from an improved year round public road and the access does not result in traffic hazards due to poor sight lines or proximity to an intersection; and
 - v) where access is available to a public road across an abandoned railway line it shall be accepted as access to an improved public road; and
 - OPA No. 2 d) In accordance with Provincial policy, no new rural residential lots shall be permitted with the exception that a severance to create a new non-farm lot may be permitted to dispose of a surplus farm residence provided Council is satisfied that the lot to be created and the proposed retained farm lot comply with the following policies:
 - i) the surplus farm residence is an existing habitable farm residence that is rendered surplus as a result of farm consolidation, meaning the acquisition of additional farm parcels to be operated as one farm operation;
 - ii) the retained farm parcel (those portions where the zone designation permits a dwelling) is rezoned to prohibit the construction of a dwelling;

- iii) the proposed non-farm single-detached dwelling lot meets the requirements of the Province, the County, and the Municipality regarding water supply and sewage disposal;
- iv) the retained farm parcel shall generally be a minimum of 38 Ha; and the severed lot size shall not generally exceed 0.8 hectares, unless necessitated by current or future private septic disposal needs;
- v) the proposed non-farm single-detached dwelling is located in compliance with the Minimum Distance Separation formulae including with respect to livestock facilities on a separate lot;
- vi) the residential lot does not include any existing livestock buildings. The approval of the severance may be conditional on existing livestock facilities being removed or decommissioned from livestock use to storage use to the satisfaction of the municipality, including the removal of pens and feed and watering systems and equipment;
- vii) a severance shall not be permitted from a lot smaller than 20.2 hectares (less any road widening), from lots with few workable contiguous acres, or where the retained parcel is of a nature likely to be acquired for non-farm purposes;
- viii) no surplus dwelling shall be severed if has been constructed less than 20 years prior to the date of the application for severance;
- ix) neither farm residence may be severed if a second farm dwelling has been erected on the farm parcel subsequent to the adoption of this Plan, pursuant to subsection 2.17 a); and
- x) the proposed non-farm single-detached dwelling lot has direct access to an improved year round public road and the access does not result in traffic hazards due to poor sight lines or proximity to an intersection.

2.17.1 Provided all other criteria and conditions applicable to the creation of a residential lot in the Agricultural Area are met, Section 2.17 d) iii) above, which limits the number of residential lots permitted to be severed from an original farm lot as it existed on January 1, 1971, shall not apply on the West Half of Lot 10, Concession 14 with respect to the severance of a residential lot containing an existing dwelling (municipal address 3911 Churchill Line).

2.17.2 Permitted residential uses may include accessory uses, including home occupations and bed and breakfast establishments and home industries. All accessory uses

including home occupations, home industries and bed and breakfast establishments must be clearly secondary to the residential use of the lot. Adequate water supply and sewage disposal must be provided for such uses and appropriate development standards must be contained in the Zoning By-law regarding the maximum floor areas, signage, parking, outside storage, etc.

non-farm lot size

- 2.18** All new non-farm lots will be limited in size so that a minimum of land is taken out of agriculture uses, and will be located on the least productive land where possible. The lot size and shape will be consistent with expected current and future needs with respect to water supply and sewage disposal.

agricultural industry and rural character

- 2.19** The maintenance of the agricultural industry in the Agricultural Area and the preservation of the rural characteristics of the area will be encouraged.

transportation and utility corridors

- 2.20** Where a new transportation or utility corridor crosses a farm operation, the transportation authority or utility will be encouraged to select a route which causes the least disruption to farm operations and productivity where such routing is practical and environmentally acceptable. One option to be considered is the routing of such facilities along the edge of the farm. Wherever 'easements' are used to accommodate new utility corridors, the utility provider should be responsible for any environmental liabilities or site-clean-up requirements.

woodlots

- 2.21** It is the policy of the Municipality that development in wooded parts of the Agricultural Area, including all major woodlots, be discouraged. An addition to an existing dwelling and the construction of buildings accessory to an existing dwelling shall be permitted within significant woodlands provided the significant woodland is not identified on Schedule "A" as an ANSI or as containing a significant wetland, and provided such addition or construction does not occur outside of the area that is cleared and has been continuously maintained as the dwelling's yard since the day the implementing Zoning By-law was passed. Any other development, including the construction of a new dwelling, will be subject to compliance with the Natural Heritage policies in Section 5 as well as the Agricultural Area policies. Land severances for non-farm related uses and amendments to the Zoning By-law to permit non-farm uses would generally not be allowed.
- 2.22** This Plan recognizes the importance of trees to agriculture due to their wind protection and moisture holding capabilities. Existing woodlots will be protected in accordance with the Lambton County Woodlands Conservation By-law or successor that regulates the cutting of certain trees and woodlots.

2.23 This Plan encourages reforestation and conservation of woodlots.

petroleum related facilities

2.24 The development and use of buildings and structures required to house pumping equipment and storage facilities for pumped material, related to the petroleum industry, awaiting shipment to other locations for storage, refining or processing may be permitted. Compressor and regulator stations associated with natural gas pipelines and underground natural gas storage will also be permitted.

2.24.1 Additional buildings or structures, or the placing of machinery used to refine, blend, or otherwise process petrochemicals is not permitted. New development will not normally be permitted within 75 metres of active petroleum resource operations.

2.24.2 Consents may be granted for the purposes of long-term lease agreements for petroleum works. Consents however, will not be granted that result in the creation of additional separate and distinct lots.

general agricultural area consent policies

2.25 Land severances in the Agricultural Area may be permitted for the following:

- a) to create rights-of-way;
- b) to enlarge lots;
- c) to consolidate farm holdings;
- d) to allow minor lot line adjustments; or
- e) for infrastructure.

greenhouses and nurseries

2.26.1 Greenhouses and Nurseries shall be permitted in the Agricultural Area. This shall include wholesale and retail sale of plants, trees or shrubs, the majority of which are grown on site. Permitted accessory uses may include landscaping services, staff offices, washrooms and lunch rooms and lodgings for migrant foreign labour that works on site. The sale of some accessory items, services and materials related to landscaping and gardening and plant materials not grown on site is expected. Additional accessory uses could be considered by amendment to the Zoning By-law including limited sale of food and beverages and the offering of meeting rooms or passive recreational programs or activities.

2.26.2 Nurseries shall be subject to compliance with the Minimum Distance Separation Formulae for "Type A Land Uses".

2.26.3 Greenhouses and nurseries shall be subject to site plan control. Site conditions must permit sufficient customer parking and room for expansion. Alternatively, the site plan may prohibit any retail component and/or access to the site by the general public. Storm water collection and reuse shall be addressed.

2.26.4 Lot additions to permit the expansion of a greenhouse or nursery will only be permitted for well-established operations. Land rental, until viability is established, will be encouraged as an alternative.

rural population

2.27.1 The Municipality will promote initiatives to counteract declines in rural population, especially the number of farm families. Supportable methods include, but are not limited to the promotion of:

- a) forms of agriculture that require fewer acres per farm operation;
- b) forms of agriculture that have potential to support multiple families/employees on a relatively small number of acres;
- c) identification and exploitation of non-traditional, non-local, and niche markets;
- d) a sustainable food system as described in Part C, Section 19.6;
- e) on-farm and local processing of agricultural products;
- f) agri-tourism; and
- g) on-farm economic diversification.

2.27.2 Within the Agricultural Area however, the Municipality will not support practices that are not sustainable in the long-term or may result in limitations on agricultural practices. For example, the Municipality will be careful when permitting non-farm or secondary uses to limit the establishment of potentially conflicting lands uses and the fragmentation of agricultural parcels.

definitions

2.28 The Township does not have any "rural lands" as defined by provincial policy. Therefore, in this Plan "agricultural area" is most often used. Where the term "rural" or "rural area" is used, it is referring to the agricultural area, any associated natural area designations, and in certain contexts is also referring to the communities and non-farm uses interspersed throughout the agricultural area. In that context, the entire municipality may be characterized as a rural area.

2.29 **Restricted Agricultural Area**

The policies applicable to the Agricultural Area shall apply equally to areas designated on the Official Plan Schedules as Restricted Agricultural Area with the following exception. The Restricted Agricultural Area is intended to provide a buffer to Residential Areas, recognizing that the establishment of new livestock facilities would not be appropriate in these portions of the Municipality of scattered residential uses, where livestock facilities are more likely to generate land use conflicts. New livestock facilities will be prohibited within the Restricted Agricultural Area and encouraged to instead locate in the standard Agricultural Area designation. Existing livestock facilities shall be recognized as a permitted use, but their expansion shall be prohibited.

2.30 Oil Heritage Conservation District Properties

As well as the policies contained within this Plan, properties so-shown within Schedule "A" of the Enniskillen Township Official Plan shall be subject to the policies of the Oil Heritage Conservation District Plan, as amended from time to time.

2.31 Indoor Cannabis Cultivation (OPA No. 4 OLT-23-001182)

It is the purpose of this Plan to provide permissions for Indoor cannabis cultivation and production similar to the regulation of agricultural uses, while ensuring extra attention to land use compatibility and measures that reduce and eliminate any potential nuisance to adjacent uses.

A "Cannabis Cultivation Facility" means any building or structure licensed and/or authorized to grow cannabis, prepare plants for shipping (e.g., drying of plants), deliver, transport, destroy cannabis and shall include, but not be limited to, greenhouses.

A Cannabis Cultivation Facility may be permitted in the "Agricultural Area" designation on a site-specific basis and subject to a Zoning By-law Amendment, provided conformity to the following policies is demonstrated:

2.31.1 Development Criteria

- a) Indoor cannabis cultivation facilities that are authorized by the Federal Government may be permitted in the "Agricultural" designation subject to the passage of an amendment to the implementing zoning by-law and will, if approved through such a process, be subject to Site Plan Control in accordance with Section 25 of this Plan.
- b) Prior to considering the approval of a zoning by-law amendment or an application to expand a legal non-conforming indoor cannabis facility, Council or the Committee of Adjustment (as the case may be) shall be satisfied that:
 - i) The proposed greenhouse or other type of building will be designed and sited to blend in with surrounding land uses such that the existing agricultural and rural character of the area is maintained;
 - ii) The adverse effects of the noise, dust, odour, and light from the proposed facility on sensitive land uses in the area can be avoided and if avoidance is not possible, minimized and appropriately mitigated, as demonstrated by the required studies identified in Section 2.31.2 of this Plan;

- iii) Sensitive surface water features and sensitive ground water features in the area will be protected, improved, or restored with consideration given to the taking of water and the generation of effluent;
- iv) Adequate parking facilities are available on the lot for the proposed facility and the traffic generated by the proposed facility can be accommodated on area roads;
- v) The proposed facility can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
- vi) Stormwater management needs can be met on site;
- vii) The waste generated from the facility can be appropriately managed; and
- viii) The proposed setback from sensitive land uses in the area, as determined by the required studies in Section 2.31.2 of this Plan, is appropriate, and if avoidance is not possible, to minimize and appropriately mitigate any adverse effects.

2.31.2 Specific Required Studies

The studies listed in this Section shall be required to satisfy the development criteria set out in Section 2.31.1 of this Plan and peer reviews of these studies may be carried out by the Township at no cost to the Township. The studies listed in this section would be in addition to any of the other studies required by this Plan.

a) Air Quality Study

- i) The proponent will submit an Air Quality Study (AQS) that is prepared by a Licensed Engineering Practitioner (which means that they must be licensed by Professional Engineers Ontario). The AQS will document the emission sources at the facility and quantify the emission rates of air contaminants including odour, chemicals, and particulate matter.

- ii) The AQS shall detail the proposed air filtration and odour control systems and other mitigation measures that will be used to manage odour. The AQS shall include atmospheric dispersion modelling predictions that show odour and contaminant concentration predictions along the fence line and extend outward 5 kilometres from the facility into the surrounding community. The AQS shall include a review of the impacts of other cannabis facilities within the area to determine the extent of the potential cumulative adverse effects.
- iii) In addition to sub-section ii) above, and to minimize the likelihood of adverse effects, the AQS should target a sensitive receptor impact of two odour units, however the Township will consider other odour impact predictions. An electronic copy of the atmospheric dispersion model files used in the AQS shall be included with the submission.
- iv) In addition to the above, the proponent of the proposed facility will submit a Contingency Odour Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional air filtration systems or other mitigation measures for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

b) Light Mitigation Plan

- i) The proponent will submit a Light Mitigation Plan, prepared by a Licensed Engineering Practitioner that fully describes the proposed light mitigation measures and demonstrates that the proposed facility will not cause light pollution, including sky glow or light trespass, onto neighbouring properties.
- ii) In addition to sub-section i), the proponent will also submit a Contingency Light Pollution Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional mitigation measures and implementation timelines for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

c) Traffic Impact Study

- i) The proponent will submit a Traffic Impact Study, to the satisfaction of the Township and/or the County, that demonstrates that the proposed facility will not cause any traffic hazards or an unacceptable level of congestion on roads in the area.

d) Noise Study

- i) The proponent will submit a Noise Study that is prepared by a qualified Professional Engineer, to the satisfaction of the Township and/or the County, that demonstrates that activities and equipment associated with the proposed facility will not create noise levels that unduly impact sensitive land uses in the area.

2.31.3 Scope of Required Studies

The Township will determine what other supporting information (i.e., reports and studies) is required as part of the complete application submission involving a re-zoning and inform the proponent of these requirements, following the holding of a pre-consultation meeting. If an application is proposed to be submitted to the Committee of Adjustment to expand a legal non-conforming indoor cannabis cultivation facility, the proponent is encouraged to consult with the Township to determine study requirements.

2.31.4 Need for Setbacks

In recognition of the known adverse effects of odour, the avoidance of adverse effects shall be a first principle. If adverse effects cannot be avoided, the minimization and mitigation of adverse effects must be considered. One of the ways to avoid, minimize and mitigate adverse effects is through the separation of incompatible uses through the use of setbacks.

The setbacks that are derived as a result of the review of an application to amend the zoning by-law or to expand a legal non-conforming indoor cannabis cultivation facility will depend on:

- i) Whether the facility is a greenhouse or an industrial type building and if a greenhouse is proposed, whether the proposed greenhouse is purpose built for cannabis or already exists.
- ii) The size and scale of the proposed facility.
- iii) The proximity and number of sensitive uses in the area including the potential for additional sensitive uses on vacant lots that are zoned to permit a sensitive use.
- iv) The location of the proposed facility in relation to prevailing winds.
- v) The nature of the adverse effects that exist at the time in relation to existing indoor cannabis cultivation facilities; and

vi) The impact of topography on the dispersion of odour.

2.31.5 Implementing Zoning By-law

Only lands that have satisfied the requirements of this Section of the Plan shall be placed in a zone that permits indoor cannabis cultivation facilities in the implementing Zoning By-law.

2.32 4640 Petrolia Line (OPA# 7)

On land described as – CON 11 W PT LOT 17 Township of Enniskillen, known municipally in addition as 4640 Petrolia Line, a commercial storage facility shall be permitted in addition to uses permitted in the Agricultural Area.

3 Rural Settlement Area

3.1 General Policies

permitted uses

3.1.1 The permitted uses in the Rural Settlement Area of Marthaville include uses normally found in a small community such as residential uses, uses which support agriculture, open space uses, a limited number of commercial, institutional, and public facilities, and agriculture exclusive of livestock operations. These uses may be permitted subject to the relevant location and development policies included in the following sections of this Plan.

3.1.2 Development in the Rural Settlement Area of Marthaville will occur within the limits of the Marthaville Policy Area as identified on Part 1 to Schedule "A". Development may occur on partial services provided such development can be accommodated by individual sewage disposal systems approved by the County of Lambton or the Ministry of Environment and Climate Change. Permitted uses include residential uses, uses which support agriculture, and a limited number of commercial uses and public facilities.

development policies

3.1.3 In addition to the other relevant policies of this Plan, the following policies will apply to Rural Settlement Areas:

- a) Non-farm development will be permitted to locate in Rural Settlement Areas to protect agricultural lands from such development;
- b) All new development will have the effect of infilling the existing built-up areas or be contiguous to them. Except in the case where it may be necessary to provide a separation distance between incompatible uses, any new development should not be isolated from the built-up area or unduly extend it. In addition, new development should not have the effect of creating or adding to strip development;
- c) All new development will be compatible with existing and future surrounding development and the development of non-compatible uses will be discouraged. Incompatible land uses will be separated by increased setbacks or, where appropriate, buffering measures;
- d) Existing and future development will be adequately serviced and additional development will only be permitted where adequate services can be provided;
- e) It is the policy of this Plan that new development will only be permitted where adequate water supply and sewage disposal services can be provided;
- f) Controlled development will be encouraged so that the Municipality is protected from an undue burden of servicing costs and the encroachment of urban uses on agricultural land is minimized;

- g) Existing and future development will be adequately serviced and additional development will only be permitted where adequate services can be provided; and
- h) The maintenance and improvement of the existing housing stock will be encouraged.

3.2 Residential Development

The following policies shall apply to the Marthaville Residential designation. The general Residential designation policies in Part B Section 4.1 shall also apply to the extent that they do not conflict with the specific Marthaville Residential policies.

residential uses

- 3.2.1** Permitted residential uses within the Marthaville Residential Area may include single-detached dwellings, semi-detached dwellings, and duplex dwellings. Professional offices, home occupations, and bed and breakfast establishments may also be permitted in accordance with the policies of Section 4.1 of Part B of this Plan. Special residential uses may be permitted through amendment to the Zoning By-law.

development policies

- 3.2.2** Residential development through plan of subdivision or land severance may be permitted in accordance with the policies of this Plan.
- 3.2.3** The implementing Zoning By-law may permit single-detached, semi-detached, and duplex dwellings in the same zoning category. Semi-detached and duplex dwellings may only be permitted on lots with sufficient lot area as specified in the Zoning By-law.
- 3.2.4** Development in the Rural Settlement Area of Marthaville (Marthaville Residential) may be permitted provided that the use can be adequately serviced through the provision of an individual sewage disposal system and municipal piped water supply system approved by the Ministry of Environment and Climate Change or its designated agent (refer to Part C, Sections 10.1.6, 10.1.7, and 10.1.8 for further details).
- 3.2.5** Notwithstanding Part E, Section 27.1.2 j), development in the Rural Settlement Area of Marthaville (Marthaville Residential) will only take place on existing or new lots, which have frontage on an existing road. Development by plan of subdivision or multiple consents requiring new roadways will not be permitted unless a comprehensive servicing plan is prepared in compliance with Ministry of Environment and Climate Change guidelines.
- 3.2.6** Extensions of the Marthaville Residential Area shall occur within the bounds of the Rural Settlement Area and shall infill between existing residential lots or share a lot

line with an existing lot (lots separated by a road allowance shall not be deemed to share a lot line).

- 3.2.7** Greater leniency shall generally be given with respect to accessory building size restrictions in the Zoning By-law for the Marthaville Residential Area as compared to the residential areas of Oil City.

3.3 Commercial Development

commercial uses

- 3.3.1** Permitted commercial uses may include general and highway commercial uses. General commercial uses may include retail stores, banks, offices, and similar uses. Highway commercial uses may include automotive sales and service establishments, gasoline sales outlets, farm implement sales and service and lumberyards. Highway commercial uses depend on vehicular access and require large lots for off-street parking and open storage. Highway commercial uses are not intended to compete with general commercial uses.

location

- 3.3.2** General commercial uses should be centrally located in the Rural Settlement Area.
- 3.3.3** General commercial uses should be oriented to pedestrian traffic rather than to automobile traffic. In this regard, general commercial development should be in a compact form consisting of storefronts adjacent to the sidewalk.
- 3.3.4** Highway commercial uses may be located on the periphery of Rural Settlement Areas but shall not be unduly isolated from it.

site plan control

- 3.3.5** New development will require site plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where a commercial use may adversely affect an adjacent land use.

access

- 3.3.6** Access to a commercial site will be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic. Continuous open access to the road will be discouraged.

zoning

- 3.3.7** General commercial and highway commercial uses will be placed in separate zoning categories in the implementing Zoning By-law.

3.4 Institutional

institutional uses

- 3.4.1** Institutional uses will include any recognized public, non-profit or charitable organization, churches, nursing homes, libraries, municipal buildings and offices and cemeteries. Certain uses operated for profit such as nursing homes or day nurseries may also be considered as institutional uses provided Council is satisfied that the use is compatible with surrounding uses.

access

- 3.4.2** The institutional use should have access to a public road capable of accommodating any increase in traffic flow that may result.

site plan control

- 3.4.3** New development will require Site Plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where an institutional use adjoins a residential use.

zoning

- 3.4.4** The implementing Zoning By-law may zone institutional uses in a separate zoning category or they may be permitted in residential zones. The Zoning By-law will also contain regulations for parking and access.

3.5 Open Space

open space uses

- 3.5.1** Open Space uses may include parks and playgrounds, golf courses, conservation areas and nature preserves, storm water management facilities, community centres and similar community or neighbourhood facilities.

development policies

- 3.5.2** The implementing Zoning By-law may zone open space uses in a separate zoning category and open space uses will be subject to the Major Open Space Area policies of this Plan.

4 Urban Settlement Area

The Urban Settlement Area within the Municipality is Oil City. Residential, commercial, industrial, mixed commercial/industrial, institutional, and open space uses shall be permitted within the Urban Settlement Area, subject to the land use policies contained in Part B to this Plan.

4.1 Residential

The policies of this section are intended to apply to lands designated in a Residential category and more generally to residential uses located outside the Residential designation. This section shall also apply to lands designated Marthaville Residential, however the more specific Marthaville Residential policies shall take precedence in case of conflict.

4.1.1 Permitted Uses

4.1.1.1 The primary uses permitted in Residential Areas will be for residential dwelling units. Various types of dwellings will be included, with preference being given to the locating of similar densities of development together.

4.1.1.2 Varieties of residential dwelling types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of lower density, with sufficient spacing to maintain privacy, and amenity.

4.1.1.3 The primary residential uses permitted within Residential Areas are low density housing types, not exceeding 20 units per hectare (8 units per residential acre), including single and semi-detached dwellings.

4.1.1.4 Land uses compatible with dwellings and serving the needs of the local residents will be permitted including, but not limited to:

- a) Public and institutional uses such as elementary and secondary schools, libraries, municipal buildings, places of religious worship and day-care centres;
- b) Neighbourhood parks and recreation uses;
- c) Professional Offices, Home Occupations, and Bed & Breakfast Establishments that constitute subordinate uses within dwellings; and
- d) Special residential uses such as group homes and senior citizens' accommodation.

4.1.1.5 Complementary to the range of housing accommodation, the Municipality will seek to ensure access to a range of services/amenities that are beneficial and/or necessary to the residents.

4.1.2 Policies

4.1.2.1 Within Residential Areas the Municipality will encourage:

- a) Areas of new development to take the form of extensions to the existing built-up area;

- b) Development that minimizes the costs required to extend existing services and the costs of creating new services;
- c) Residential intensification in areas of existing development that have sufficient servicing capacity. Techniques may include permitting second units in existing detached dwellings, encouraging the creation of infilling lots, converting existing buildings for residential use, redeveloping sites not previously used for residential purposes, and encouraging higher densities in new development;
- d) Relocation of existing incompatible uses out of residential areas and redevelopment of obsolete land uses;
- e) Development to proceed in such a manner so as not to impose a financial burden on the Municipality or municipal taxpayers; and
- f) Compliance with the Amenity and Design policies of this Plan.

4.1.2.2 Expansion of the residential component of the Municipality will be considered where water and sewer services, roads and required community facilities can be provided economically and only where required to accommodate future population growth.

4.1.2.3 Infilling in residential areas will be undertaken by means of planned subdivision development, or where a plan of subdivision is not required, by severance of lands to make the most efficient use of municipal services. Redevelopment of lands to create higher residential densities or to remove existing obsolete uses will be encouraged if such redevelopment is compatible with the existing physical character and pattern of surrounding development.

4.1.2.4 Housing for senior citizens should be located in proximity to community services and facilities.

4.1.2.5 In existing residential areas, an increase in residential density may be considered where the scale and physical character of new or renovated residential dwelling units are compatible with the surrounding area and where municipal and community services are adequate.

4.1.2.6 The Municipality will attempt to maintain a three year supply of residential units with servicing capacity in draft approved and/or registered plans of subdivision by endeavouring to ensure the appropriate approvals are given as expeditiously as possible.

4.1.2.7 The Municipality will encourage innovative housing designs particularly those, which offer energy efficiency, reduced municipal expenditures or lower costs to purchasers.

phasing

4.1.2.8 Residential development will be phased contingent upon the availability of servicing infrastructure.

buffering from agricultural lands

- 4.1.2.9** In cases where residential development is proposed on lands adjacent to or abutting agricultural lands, the Municipality will ensure that adequate buffering and/or mitigation measures are provided between the development and the agriculture lands where necessary. In this regard, the developer will be responsible for providing the buffering. The specifics of the buffering will be determined when a development is proposed and any buffering requirements will be specified within site plan and/or subdivision agreements.

programs

- 4.1.2.10** The Municipality may participate in the housing programs of other levels of government in order to achieve the residential goals of the Plan.

affordable housing

- 4.1.2.11** Efforts should be made to encourage the provision of affordable housing in the Municipality, where practical. In this regard, the Municipality will assist the private sector by:
- a) providing opportunities for the production of affordable new residential units that contribute to the attainment of the affordable housing targets established for the Housing Market Area (Lambton County);
 - b) reducing the time to process residential applications, to the greatest extent practical;
 - c) encouraging residential intensification where practical; and
 - d) adopting alternative development standards where deemed appropriate by the Municipality.

housing mix

- 4.1.2.12** A broad mix of housing accommodation to meet the needs of present and future residents, encompassing a population with diverse lifestyles and economic means will be encouraged.
- 4.1.2.13** The mixing of densities and housing designs within individual developments will be encouraged, provided that locational requirements are satisfied. The density of development will be governed by the Municipality considering among other things, the preservation of open space and trees, the ability of the road system to accommodate the generated traffic, the capacity of municipal infrastructure which includes water, sanitary sewage, stormwater drainage and parks, and the compatibility with existing development patterns.

applications for medium density

- 4.1.2.14** Development of medium density dwellings such as row housing will be considered in accordance with the following policies:

- a) The development should be located in proximity to Arterial or Collector Roads;
- b) Preference will be given to medium density development in locations where the development provides a physical transition between low-density dwellings, and residential development exceeding a density of 40 units per residential hectare. Locations in proximity to natural amenities such as watercourses, major open space areas, existing neighbourhood parks, schools and other community facilities, and commercial areas will be encouraged;
- c) The development should be adequately buffered from abutting low-density residential development;
- d) The development should be designed so that it is compatible with surrounding development, and subject to the Site Plan Control provisions of this Plan;
- e) On-site parking and recreational amenities are to be provided; and
- f) The height of the proposed development should not generally exceed three storeys.

applications for high density

- 4.1.2.15** Development of high-density dwellings such as apartments will be considered in accordance with the policies of this Plan.
- 4.1.2.16** Planning, transportation and servicing feasibility studies may be required by the Municipality prior to consideration of any applications for high-density residential development. The required studies must show that the proposed development is compatible with surrounding land uses and will not place a burden on the existing road system, or exceed the capacity of water, storm, and sanitary treatment and distribution system services without appropriate remedial measures being undertaken by the applicant.
- 4.1.2.17** All applications for new high-density residential development will be subject to Site Plan Control.
- 4.1.2.18** In addition to any required studies, all applications for high-density residential development will be considered in accordance with the following policies:
 - a) The development should be located in proximity to Arterial or Collector Roads;
 - b) Preference will be given to locations in proximity to natural amenities such as watercourses or major open space; or in proximity to central commercial areas; public transit facilities where they are available; and at the intersection of Arterial Roads or Arterial and Collector Roads;
 - c) The development should be compatible with adjacent lower density residential development, and should be provided with on-site recreation amenities and parking; and

- d) Building height should not exceed that which might create a hazard by virtue of the inability of the Municipality to provide adequate fire protection.

special residential uses

4.1.2.19 Special Residential uses include group homes as defined in the Zoning By-law, residential care facilities, senior citizens housing, short-term accommodation operated or authorized by a public agency, and facilities for special population groups. Where a Special Residential use is of similar scale or nature as a medium or high-density residential development or employs significant numbers of staff, such use will generally be subject to the policies governing medium or high-density dwellings, as the case may be, as well as the following policies:

- a) Preferred locations for such uses are on Arterial Roads and Collector Roads;
- b) The use should be compatible with the scale, density and character of existing land uses;
- c) Provision should be made for adequate buffering to protect surrounding existing development;
- d) Adequate off-street parking must be provided to serve the residents, staff and visitors while retaining sufficient yard space to maintain the residential character of the area; and
- e) Provision will be made for off street locations to accommodate drop-off and pick-up of the users of such facilities.

4.1.2.20 Special Residential uses will generally be subject to the policies governing Higher Density dwellings.

4.1.2.21 The Special Residential uses to be permitted will be established in the municipal Zoning By-law. Special Residential uses such as prisons and group homes for persons placed under probation under the Criminal Code, Young Offenders Act, and similar Acts shall be subject to appropriate separations from residential areas.

urban agriculture

4.1.2.22 Food production for personal use is encouraged on residential lots and within residential areas (e.g. community gardens), where such activities will not result in nuisance to or loss of enjoyment of neighbouring property.

accessory buildings

4.1.2.23 Appropriate uses of accessory buildings in residential areas include storing tools, equipment and materials used in the maintenance of the house and property, activities associated with property maintenance, and storing personal vehicles, recreational items and household items. Hobby activities and limited home industries are also appropriate where the scale and nature of the activities have no objectionable features and are not overly intense for a residential area.

- 4.1.2.24** Buildings of form or size which could lend themselves to overly intensive or inappropriate uses with future or present owners or that go beyond what is needed for conventional residential accessory uses shall be avoided.

accessory second dwelling units

- 4.1.2.25** An accessory second dwelling unit will generally be permitted as accessory to a main dwelling, either within or attached to the main dwelling or in a detached accessory building. Accessory second dwellings shall be limited in scale and clearly secondary to the main dwelling. In location, layout and character, they must not conflict with the physical character of the neighbourhood and must not negatively impact the amenity or enjoyment of neighbouring properties, especially rear yard spaces. Entrances and any associated outdoor living areas shall be directed towards the interior of the lot.
- 4.1.2.26** An accessory second dwelling shall not be permitted as accessory to a main dwelling unit in certain situations. These prohibitions include lots with already more than one dwelling located thereon and lots where a dwelling is only permitted as accessory to another use. New accessory second dwellings shall not be located within Minimum Distance Separation setbacks from livestock facilities or on lots that cannot meet reasonable use guidelines regarding sewage disposal.
- 4.1.2.27** Preference shall be for accessory second dwellings to be within or attached to the main dwelling and convertible to use as part of the main dwelling. Second dwellings in detached accessory buildings shall generally be prohibited in second floors and subject to greater lot line setbacks than normally applied to detached accessory buildings. Their permitted size shall be less than second units contained within or attached to a main dwelling. Second dwellings in detached accessory buildings do not, in themselves, provide justification for larger accessory building sizes, numbers or coverage than otherwise allowed on a residential lot.
- 4.1.2.28** The Zoning By-law shall set out applicable standards for accessory second dwelling units. The Committee of Adjustment may consider exceptions where the intent of this Plan's policies applicable to accessory second dwellings and Sections 4.1.2.23 and 4.1.2.24 are maintained. In particular, greater flexibility may be given regarding size and form on larger lots that are more rural or recreational in character and provide greater separations to neighbouring uses. Where lot creation policies can be met, creation of a separate building lot may be more appropriate in some cases than variances for size. The severance of a building constructed as an accessory second dwelling onto its own lot shall however be prohibited.

4.1.3 Professional Offices

- 4.1.3.1** Certain types of professional offices are compatible with a residential neighbourhood, and may serve a needed function to nearby residents. Examples of such uses include a law office, doctor's office, chiropractic practice, dentist, or

accounting practice. Appropriate development standards can blend such uses into the residential community so as to minimize undesired impacts.

4.1.3.2 A limited amount of local professional offices will be permitted in existing residential dwellings within the residential areas.

4.1.3.3 The use will be limited to a professional practice that primarily provides services to individuals and families.

development guidelines

4.1.3.4 The establishment of professional offices will be subject to the following guidelines:

- a) The office is located within an existing residential building. Development of new buildings for commercial use may occur if the structure is of similar scale and appearance with surrounding residential structures.
- b) Alterations to structures should not preclude the re-establishment of residential uses similar to those existing prior to the establishment of the professional practice.
- c) Adequate off-street parking and buffering of parking areas from neighbouring uses is provided.
- d) Preference will be given to arterial or collector road locations.

4.1.4 Home Occupations

4.1.4.1 A home occupation is defined as a business activity (full or part-time) carried out by a person in their residence. Home occupations will be permitted in residential areas. Such uses rarely create conflicts during early development however, when they attempt to expand, they may become inappropriate for a residential area. To ensure that home occupations do not expand in a manner that conflicts with the residential use or physical character of the neighbourhood, such home occupations will be encouraged to locate in other appropriate non-residential areas.

home occupation secondary to residence

4.1.4.2 A home occupation will be clearly secondary to the residential use. The Zoning provisions shall limit the amount of space within detached accessory buildings that may be occupied by a home occupation.

non-resident employees

4.1.4.3 A home occupation must be conducted or undertaken by a person or persons permanently residing in the dwelling that is the primary use on that lot. The number of non-resident persons employed in the home occupation, at its location, will be limited in the Zoning By-law.

alterations

- 4.1.4.4** Alterations to a dwelling for a home occupation that are inconsistent with the residential character of the lot or neighbourhood will not be permitted.

outdoor storage

- 4.1.4.5** No outdoor storage of equipment, materials or goods used by or produced by a home occupation will be permitted. The Zoning By-law shall specify what work vehicles may be kept on site.

sale of goods

- 4.1.4.6** The sale of goods associated with a home occupation from the lot used as a home occupation will be permitted, but a home occupation that is primarily a retail store is prohibited.

floor area

- 4.1.4.7** The floor area devoted to the home occupation will be limited by the Zoning By-law.

limitations on occupations

- 4.1.4.8** No use that includes the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, or metal fabrication or that has considerable potential to cause site contamination will be permitted as a home occupation.

signs

- 4.1.4.9** Signs associated with a home occupation will be non-illuminated, and the area of the sign will be regulated in the Zoning By-law.

neighbourhood amenity

- 4.1.4.10** A home occupation will not use machinery or equipment that is inconsistent and incompatible with surrounding residential uses because of its nature or scale, nor will a home occupation create a nuisance or conditions inconsistent or incompatible with adjacent or nearby residential uses by reason of emission of noise, vibration, smoke, fumes, dust, other particulate, heat, odour, refuse, lighting or other emission or by its hours of operation, outdoor activities or types of materials, equipment or vehicles stored on site.

nuisance

- 4.1.4.11** A home occupation will not create a nuisance or conditions inconsistent or incompatible with adjacent or nearby residential uses.

municipal servicing

- 4.1.4.12** A home occupation will only be permitted where adequate servicing is available.

4.1.5 Bed and Breakfast Establishments

4.1.5.1 Bed and Breakfast Establishments are private homes where the owner makes temporary accommodation available to the travelling public (usually tourists) in their own homes. In function and impact, they are similar to a home occupation. Generally, the impact is similar to that which occurs when a neighbour has guests staying for a day or two. However, regulation is required to ensure that a successful Bed and Breakfast Establishment does not evolve into a restaurant or hotel.

4.1.5.2 The use of single detached dwellings as Bed and Breakfast Establishments will be permitted provided appropriate policies are met:

- a) Bed and Breakfast Establishments must be operated only by persons permanently residing in the dwelling;
- b) Only temporary, short-term accommodation to the general public will be provided;
- c) Separate kitchen or dining areas for guests may be provided. Establishment of a restaurant catering to persons other than guests will not be permitted;
- d) No external or internal alteration, of a home utilized as a Bed and Breakfast that is inconsistent with the physical character of the surrounding neighbourhood will be permitted;
- e) The Zoning By-law will regulate the maximum number of rooms available to guests;
- f) Construction or conversion of buildings accessory to the home to accommodate guests will not be permitted;
- g) The site area is sufficient to provide for off-street parking and buffering from abutting residential uses; and
- h) Adequate water and sanitary servicing are provided.

4.2 Commercial

The policies of this section are intended to apply to lands designated in a Commercial category.

4.2.1 Central Commercial Area

4.2.1.1 Central Commercial Area uses are intended to serve the day-to-day needs of the residents of the community, and to a limited extent, tourists visiting or travellers through the Municipality.

permitted uses

4.2.1.2 Within the Central Commercial Area the primary use of land will be for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services. To enhance the identity and strengthen the function of Central

Commercial Areas, various public buildings such as the local library, the post office and the municipal offices will also be encouraged.

secondary uses

- 4.2.1.3** Secondary uses shall include residential uses.

dwelling units

- 4.2.1.4** To enhance the diversity and vitality of the central commercial area, the establishment of new dwelling units will be encouraged in accordance with the following criteria:

- a) In cases where a lot fronts onto a commercial main street, the dwelling units must be located above or behind ground floor commercial uses;
- b) Dwelling units are provided with access to an open space area suitably landscaped and maintained, or alternatively are provided with a balcony; and
- c) Access to the dwelling units is provided from an adjacent street or land and not through a commercial use.

studies

- 4.2.1.5** To strengthen and enhance the role of the Central Commercial Area as the focal point of the community and as a healthy business centre, the Municipality may undertake detailed design/feasibility studies with respect to:

- a) The preservation and rehabilitation of historical landmarks and buildings;
- b) New uses for vacant or under-utilized buildings;
- c) Street landscaping, lighting, signage and exterior building design;
- d) The development of efficient pedestrian and vehicular circulatory systems;
- e) The re-location of non-conforming uses; and
- f) The provision of adequate and accessible off-street parking.

compatibility

- 4.2.1.6** New Central Commercial Area development will only be permitted where compatibility with adjacent land use designations and the commercial structure of the Municipality can be ensured.

form

- 4.2.1.7** The Central Commercial Area development form will typically be a grouping of retail and other commercial uses under common or individual ownership, and may take the form of a shopping centre.

4.2.2 Highway Commercial Area

permitted uses

4.2.2.1 Within Highway Commercial Areas the primary use of land will be large, space extensive uses that require large parcels of lands for outside storage and selling space, for building coverage, and for off-street parking. Although the types of commercial uses may be different than the Central Commercial Area, the Municipality should provide a cohesive and attractive appearance to the area that complements and introduces visitors to the traditional downtown.

4.2.2.2 Permitted uses within Highway Commercial Areas will include, but not necessarily be limited to, the following:

- a) Automobile service stations; vehicle, trailer and marine sales, repair and service facilities; and car washes;
- b) Drive-in restaurants;
- c) Hotels, motels (cabins and cottage parks), and related tourist facilities;
- d) Places of amusement and recreation;
- e) Industrial and agricultural equipment sales and service;
- f) Restaurants, gift shops, farmer's markets, antique stores and flea markets;
- g) Retail warehouse;
- h) Building and contractor supply store, and/or bulk sales;
- i) Warehousing;
- j) Service industrial uses with limited open storage;
- k) Private commercial recreational facilities such as fitness and health clubs; arenas; tennis, squash and racquetball courts; and
- l) Institutions including churches, synagogues, and funeral service establishments.

4.2.3 Site Design Policies

The following site design policies will apply to all Commercial Areas.

4.2.3.1 New commercial development adjacent to existing commercial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

4.2.3.2 New commercial development will ensure that there is:

- a) Safe and adequate access from the road subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and designed to minimize any danger to vehicular and pedestrian traffic. Continuous access will be discouraged in favour of a curb and designated ingress and egress points. Shared access among commercial establishments will be provided wherever possible;

- b) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning By-law, and the spaces should be located beside or behind the establishment, where possible;
- c) Adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas; and
- d) A front yard setback that accommodates pedestrian movement.

4.2.3.3 Where new commercial development is proposed adjacent to residential land uses, Council must be satisfied that the following provisions are adequately met:

- a) Screening and/or buffering of access driveway, parking and service areas such that noise, light or undesirable visual impacts are mitigated;
- b) Locating and designing light standards and external light fixtures so that lighting is directed away from the adjacent residential uses; and
- c) Locating and sizing of advertising, identification, or other signs and devices, to avoid conflicts with effective traffic control and the general amenity of the area.

4.3 Industrial

4.3.1 Light Industrial Area

permitted uses

4.3.1.1 Within Light Industrial Areas the permitted use of land will generally be non-noxious industrial uses such as general manufacturing, research and development, warehousing and wholesaling and light assembly or any combination thereof within enclosed buildings.

noxious uses

4.3.1.2 Industrial uses, which are considered a noxious trade business or manufacture under Provincial legislation or regulations, will not be permitted in Light Industrial Areas.

accessory commercial uses

4.3.1.3 Commercial uses accessory or complementary to industrial establishments will be permitted provided they do not detract from the area for industrial purposes now or in the future and may include offices, and limited retailing within industrial buildings for the sale of goods manufactured on the premises.

4.3.1.4 Parks and public open space uses are also permitted.

location of accessory and complementary uses

- 4.3.1.5** Accessory and complementary uses except for Parks and Public Open Space and retailing uses within industrial buildings, will generally be encouraged to locate on Arterial Roads and Collector Roads, preferably grouped at or near the entrances to industrial areas and at major road intersections wherever possible.

outdoor storage

- 4.3.1.6** Outdoor storage of industrial materials and equipment will only be permitted as an ancillary use to the permitted uses in Light Industrial Areas. Outdoor storage of industrial materials and equipment along Arterial Roads, Collector Roads, Provincial Highways, on the periphery of Light Industrial Areas, and/or adjacent to Residential Areas, will be discouraged. Outdoor storage should be located in a rear yard and should be adequately screened from adjacent properties and streets.

development standards

- 4.3.1.7** The Zoning By-law will prescribe specific development standards related to parking requirements, setbacks, coverage, buffering, separation, etc., to ensure that conflict with surrounding uses is minimized to the satisfaction of the Municipality. Buffering will be considered in light of Provincial guidelines on separation distances between industrial facilities and sensitive land uses.

existing residential uses

- 4.3.1.8** Adequate separation distances must be maintained between new industrial development and existing residences and residentially zoned land.

residential uses attached to permitted uses

- 4.3.1.9** Residential dwelling units for a caretaker or watchperson may be permitted provided they are structurally attached to the main permitted use on the lot.

4.3.2 Site Design Policies

The following site design policies will apply to all Industrial Areas and industrial uses within the Mixed Commercial/Industrial designation.

- 4.3.2.1** New industrial development adjacent to existing industrial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- 4.3.2.2** New industrial development will ensure that there is:
- a) Safe and adequate access from the road subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and designed to minimize any danger to vehicular and pedestrian traffic. Continuous access will be discouraged in favour of a curb and designated

ingress and egress points. Shared access among industrial establishments will be provided wherever possible;

- b) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning By-law, and the spaces should be located beside or behind the establishment, where possible; and
- c) Adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas.

4.3.2.3 Where new industrial development is proposed adjacent to residential land uses, Council must be satisfied that the following provisions are adequately met:

- a) Adequate screening and/or buffering is provided between the two uses;
- b) The impacts of parking, storage, loading and lighting are minimized; and
- c) Traffic flows, building forms and relationships to neighbouring buildings and uses are acceptable.

4.4 Mixed Commercial / Industrial Area

commercial development

4.4.1 Permitted commercial uses include highway commercial uses such as: automotive sales and services, lumber yards, and other land extensive commercial uses that may be inappropriate within other commercial areas in the municipality. In addition, factory outlets, farm related commercial uses such as supply establishments for the sale of feed and seed and/or fertilizer, or farm implement sales and service may be permitted.

industrial development

4.4.2 Permitted industrial uses include uses which are farm related. Examples of these include bulk fuel depots, grain and seed storage facilities, feed mills, and grain drying facilities.

access

4.4.3 Site access will be subject to the regulations of the appropriate road authority and should be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic. Continuous open access to a road will be discouraged. The sharing of access points or the construction of internal service roads will be encouraged.

suitability

4.4.4 Before allowing a commercial or industrial development to proceed, the Municipality should be satisfied that the proposed development is suited to the lands.

site plan control

- 4.4.5** New development will require Site Plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where commercial uses may adversely affect an adjacent land use.

zoning

- 4.4.6** Commercial and industrial uses will be zoned in one or more separate zoning categories in the implementing Zoning By-law. The Zoning By-law will also contain regulations governing parking and loading requirements.

development policies

- 4.4.7** Such development standards and site design policies as apply to highway commercial and industrial uses in sections 4.2.2, 4.2.3, and 4.3 shall apply where these uses are located or proposed to be located in the Mixed Commercial/Industrial Area.

- 4.4.8** **Indoor Cannabis Cultivation Facilities** (OPA No. 4 OTL-23-001182)
Indoor cannabis cultivation facilities are permitted within an enclosed building. All applicable and relevant policies in Subsection 2.31 and Subsection 25.3 of this Official Plan shall apply to the approval of an Indoor cannabis cultivation facility.

4.5 Institutional Areas

permitted in all designations

- 4.5.1** Institutional uses including government, health care, day-care, educational, religious, recreational, social welfare, and cultural facilities are permitted in all designations.

new institutional uses

- 4.5.2** The following policies will apply to new Institutional land uses:
- a) New Institutional uses should generally be located in Residential Areas and may be considered in other designations only where the scale and/or nature of proposed institutional uses warrants;
 - b) New Institutional uses will generally be encouraged to locate in areas where full municipal services are provided;
 - c) New Institutional uses should not impact in an undesirable manner on surrounding Residential uses, nor generate traffic beyond the capacity of the local road system; and
 - d) New Institutional uses should be strategically located in relation to the population served.

4.6 Open Space Areas

4.6.1.1 The provision of public recreational space and facilities is an important component for the social well-being of the residents of the Municipality. It is the Municipality's intent to provide opportunities for the creation of public parks and recreational facilities and to work with local service clubs, school boards, and private citizens to improve and expand the park system.

4.6.1.2 Parks and recreation facilities will be provided to meet the general needs and desires of the residents.

4.6.2 General Policies

categories

4.6.2.1 The two basic categories of open spaces in the Municipality are:

- a) Publicly owned lands and facilities including:
 - i) Major Open Space Areas and Community Parks, including publicly owned Environmental Protection Areas which can accommodate some recreational activities by all residents; and
 - ii) Neighbourhood Parks and Minor Open Space Areas that serve local recreational requirements; and
- b) Privately operated parks, open spaces and facilities such as golf courses and campgrounds, which are open for use to the general public.

interconnected systems

4.6.2.2 Wherever possible, an interconnected open space system will be developed. In the event that transportation or utility corridors are no longer required for such purposes, they should be incorporated into the municipal open space system. The Municipality will encourage the co-operation and participation of public service groups and private citizens in developing such corridors as open space linkages. Consideration will be given to the potential for linking the Municipality's open space system with those of neighbouring municipalities.

neighbourhood parks

4.6.2.3 Neighbourhood Parks are permitted uses in all land use designations.

community and major parks

4.6.2.4 Community Parks and Major Parks will be placed in a separate land use designation and will be subject to the policies governing all uses permitted in Major Open Space Areas.

cash-in-lieu of parkland

4.6.2.5 Cash in lieu of dedicated parkland will be based on the appraised value of any lands required to be conveyed for park purposes in accordance with the appropriate provisions of the Planning Act. Cash in lieu will be accepted for example when there is no deficiency in parkland based on the parkland density standards or the parcel proposed is not appropriate for parkland.

4.6.2.6 Combinations of cash-in-lieu and parkland dedication may be accepted in some instances. For example, when partial dedication would achieve the desired parkland standard for the area or where private recreational facilities are being constructed.

condition of dedicated lands

4.6.2.7 The Municipality will generally not accept as part of the minimum parkland conveyance lands that are required for drainage purposes, lands susceptible to flooding, steep valley slopes, hazard lands, connecting walkways and other lands unsuitable for development. Furthermore all lands conveyed to the Municipality will be in a physical condition satisfactory to the Municipality considering the anticipated park use. The Municipality may accept some lands that contribute to linkages between existing parks in the system as part of the dedication at their discretion.

4.6.2.8 The Municipality may, from time to time, wish to acquire from developers, lands that are of particular value because of their physical quality or because they provide the opportunity to link other parts of the open space system. Where these lands exceed the 2 per cent dedication required for commercial and industrial development or the 5 per cent dedication required for other purposes, the Municipality will attempt to acquire such lands through purchase from the developer or through the use of Bonusing as described in the 'Implementation' policies of this Plan.

multiple family developments

4.6.2.9 Any multiple unit residential development with over 25 units should incorporate private parkettes for the use of its residents.

agreements

4.6.2.10 This Plan encourages the development of agreements between the Municipality and other organizations, such as public service clubs or school boards, for the increased utilization of space and facilities such as open space, gymnasiums, or buildings, in order to serve the residents.

other agencies

4.6.2.11 This Plan also encourages the assistance of public service groups, businesses and private citizens in the provision of parkland and park equipment.

primary permitted uses

4.6.2.12 Community Parks and Major Parks will be the primary public recreation uses permitted within Major Open Space Areas. Additional uses such as land, water and

forest conservation, storm water detention areas, and ancillary structures or buildings, are also permitted.

neighbourhood parks

4.6.2.13 Neighbourhood Parks are permitted uses in all land use designations.

community and major parks

4.6.2.14 Community Parks and Major Parks will be placed in a separate land use designation and will be subject to the policies governing all uses permitted in Open Space Areas.

permitted uses

4.6.2.15 Open space and recreational uses will be the primary uses permitted within Major Open Space Areas. Additional uses such as land, water and forest conservation, storm water detention areas, and ancillary structures or buildings, are also permitted.

4.6.2.16 Permitted open space and recreational uses include uses such as the following:

- a) Golf courses including driving ranges and putting greens;
- b) Public and Private Parks;
- c) Campgrounds;
- d) Cemeteries including crematoria;
- e) Non-commercial gardening including nurseries;
- f) Botanical gardens;
- g) Zoological parks;
- h) Swimming pools, skating rinks and ponds;
- i) Public trail bicycle racing courses;
- j) Community trails and linkages between open space uses; and
- k) Ancillary retail commercial uses and parking facilities as long as such uses do not inhibit the operation of the primary use.

community gardens

4.6.2.17 The Township may authorize community gardens or other food growing areas on underutilized public green spaces or areas designated as Open Space.

neighbourhood parks not identified

4.6.2.18 The Major Open Space Areas are intended to cover significant areas of parkland and open space and include privately owned open spaces such as golf courses. Neighbourhood Parks including parkettes and parks with only play equipment for small children will not generally be identified as Major Open Space Areas.

lands in private ownership

4.6.2.19 Where any land designated as Major Open Space is under private ownership, the Plan does not intend that this land will necessarily remain as Major Open Space indefinitely, nor will it be construed as implying that such land is free and open to the

general public or that the land will be purchased by the Municipality or any other public agency.

conditions of re-designation

- 4.6.2.20** Applications for the re-designation to another use of all or part of an existing Major Open Space Area may be permitted by the Municipality after considering the following:
- a) The existence of any significant or unique natural features and/or environmentally sensitive areas;
 - b) The proposed methods by which the above would be handled in a manner consistent with accepted engineering practice and environmental management methods;
 - c) The costs and benefits in monetary, social and biological value in terms of any engineering works and resource management practices to be used;
 - d) The concerns of the local Conservation Authority and/or the Province;
 - e) The impacts to community amenity and tourism that might result from the loss of the open space and/or recreational resource;
 - f) The ability to provide services to the property;
 - g) The degree to which the property is isolated from settlement areas, and/or would create or perpetuate conflicts or limitations on Agricultural lands or uses; and
 - h) The other policies of this Plan related to parks and open space.
- 4.6.2.21** Subject to criteria, the Agricultural Area policies of this Plan permit the establishment of Open Space and Recreational Uses, in situations where the removal of land from Agricultural use would not otherwise be permitted. Subsequent designation of Major Open Spaces in Agricultural areas for other uses will be strongly discouraged.
- 4.6.2.22** There is no public obligation to re-designate or to purchase any Major Open Space Areas.
- 4.6.3 Major Parks**
- 4.6.3.1** Major Parks will be acquired, developed and maintained by the Municipality as large areas of public open space to serve the entire Municipality. Major Parks will be subject to all policies pertaining to Major Open Space Areas provided by this Plan.
- 4.6.3.2** Major Parks are intended to provide a broad range of active and passive recreational opportunities. More specifically, Major Parks will:
- a) Incorporate environmentally significant natural areas wherever feasible;
 - b) Provide large open areas which can facilitate active sports activities;
 - c) Provide for low intensity passive recreational activities easily accessible to residents throughout the Municipality; and

- d) Be located on or near an Arterial Road or Collector Road wherever possible.

4.6.4 Community Parks

4.6.4.1 Community Parks are intended to serve the recreational needs of the residents at the community level.

4.6.4.2 Community Parks will:

- a) Provide indoor and outdoor recreation facilities serving several residential neighbourhoods within the Municipality, and provide a focal point for community activities;
- b) Provide for active recreational activities predominantly;
- c) Be accessible to the neighbourhood and where possible, subdivision plans should incorporate walkways to new or existing parks;
- d) Incorporate elements of the natural environment wherever feasible;
- e) Be located on a Collector or Arterial Road; and
- f) Be integrated with a school playing field if possible, where shared use of parkland can be facilitated.

4.6.5 Neighbourhood Parks

4.6.5.1 Neighbourhood Parks will generally consist of small children's play facilities at the neighbourhood level and greenbelt areas that serve individual neighbourhoods within a community. More specifically, Neighbourhood Parks will:

- a) Be centrally located within a Neighbourhood and be accessible to pedestrians;
- b) Provide opportunities for minor recreational activities;
- c) Provide opportunities for passive enjoyment of the environment;
- d) Be located in conjunction with an elementary school, where feasible, in which case no physical barriers shall be created to separate complementary facilities; and
- e) Be located on a Collector or Local Road.

5 Natural Heritage

The Municipality contains areas that are subject to flooding and/or subject to instability due to erosion and excessive slopes. Development and site alteration in such areas will be prohibited or restricted as it could result in the loss of lives, damage to private and public property and undue financial burdens for the Municipality. The Municipality also contains natural areas that could include significant natural features (e.g. wetlands, woodlands, and wildlife habitat) which must be protected with special provisions. Development and site alteration in these areas will be discouraged and in most cases, as per the policies of Section 5.2.2, be prohibited and/or subject to an environmental evaluation demonstrating no negative impact to the feature or area. Many of these natural areas are coincident with identified hazard lands. Consequently these policies address both hazards and protection of natural features and areas. It must be noted that not all hazard areas contain significant natural areas and not all natural areas contain inherent hazards.

5.1 General Policies

permitted uses

- 5.1.1** The use of lands in Hazard and Environmental Protection Areas will be restricted to agriculture (exclusive of any buildings or structures and exclusive of any forms of agriculture that would remove natural heritage features), conservation, forestry, parks, other passive outdoor recreational uses that rely on specific features of the natural environment, and marine facilities where appropriate. Some permitted uses may be further restricted or prohibited in or adjacent to natural heritage features as specified in Section 5.2.2.

floodplain and erosion hazard policies

- 5.1.2** Development within Hazard and Environmental Protection Areas is subject to the policies of this Plan regarding Floodplains and Unstable Land.

development and site alteration

- 5.1.3** No development and site alteration or alteration to shorelines and watercourses or interference with wetlands shall be permitted in Hazard and Environmental Protection Areas unless such action is approved by the Municipality or, where regulations apply, by the local Conservation Authority. The Municipality may consider implementing a Site Alteration By-law under the authority of the Ontario Municipal Act (R.S.O. 1990).

changes to schedules

- 5.1.4** Minor changes to the boundaries of Hazard and Environmental Protection Areas may be permitted without an Official Plan amendment provided that a detailed assessment of the sensitive area and/or hazard has been undertaken to the satisfaction of the Municipality which demonstrates that there will be no negative

impacts on the natural heritage features or their ecological functions. In the case of Hazard Lands, the Council must consider the existing environmental hazards and the potential impact of these hazards, and must be satisfied that the hazard has been addressed in a manner consistent with accepted engineering techniques and resource management practices. In the case of Environmentally Sensitive Areas or features, Council will consider the nature and sensitivity of the area or feature and must be satisfied that there will be no negative impacts on the natural features or their ecological functions. In either case, the Municipality may consult with the local Conservation Authority by way of a memorandum of understanding.

private lands

5.1.5 Where any Hazard and Environmental Protection Areas are under private ownership, the Official Plan does not intend that this land will necessarily remain as Hazard and Environmental Protection nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Municipality or any other public agency. An application for re-designation of lands designated Hazard and Environmental Protection may be approved by Council after taking into account:

- a) the diversity, connectivity, biodiversity, ecological function, and sensitivity of the natural area, feature, or system and/or the existing physical hazards;
- b) the potential negative effects of the re-designation on sensitive areas or the impact of the hazards on the proposed re-designation;
- c) the proposed methods by which any negative effects can be addressed in a manner consistent with accepted engineering techniques and resource management practices;
- d) the costs and benefits in monetary, social and biological value in terms of engineering works and/or resource management practices needed to address any negative effects;
- e) the potential for subsequent increases in demand for associated future development such as subdivision expansion, road widening, and bridge crossings which may negatively impact on lands designated Hazard and Environmental Protection; and
- f) the results and recommendations of an environmental evaluation undertaken consistent with the process and requirements outlined in Section 5.1.11.

re-designation/purchase

5.1.6 There is no public obligation, to re-designate or to purchase any Hazard and Environmental Protection Areas, particularly if there is a sensitive natural area or an existing or potential hazard that would be difficult or costly to overcome.

floodlines

5.1.7 The Hazard and Environmental Protection designation is not to be construed as delineating the floodline related to a watercourse. As noted in the introduction to this

section, the designation encompasses a number of types of natural environments and includes hazard areas. It is possible that the delineation of the Environmental Protection designation follows the defined floodline, however this may not always be the situation. Accurate mapping of floodlines may not exist in many cases. Where any flood and erosion risk mapping, flood control or other works are undertaken which result in significant changes to the boundaries of Hazard and Environmental Protection Areas, the Official Plan will be amended accordingly.

parkland dedications

- 5.1.8** Where new development includes lands within a Hazard and Environmental Protection Area, such lands may not necessarily be considered acceptable by Council for dedication to the Municipality for park purposes. All lands dedicated to the Municipality for park purposes will be conveyed in a physical condition acceptable to the Municipality.

setbacks

- 5.1.9** Building setbacks will be imposed from the boundaries of Hazard and Environmental Protection Areas in relation to the kind, extent and severity of the existing and potential hazards and as may be recommended in hazard studies. Such setbacks will be set out in the implementing Zoning By-law.

land severances

- 5.1.10** Land severances in Hazard and Environmental Protection Areas may be permitted in accordance with the Land Division policies of this Plan.

environmental evaluations

- 5.1.11** Prior to any major disturbance, including development, occurring in or adjacent to Significant Natural Areas, the preparation of an environmental impact study or other environmental evaluation may be required at the discretion of the Municipality, unless a report is already required under the Environmental Assessment Act.

- 5.1.11.1** An environmental evaluation will assess the following:

- a) The level of significance of the natural area, feature, or system, if any, having consideration for diversity, biodiversity, connectivity, and ecological function;
- b) The sensitivity of the natural area, feature, or system that may be impacted by the proposed disturbance;
- c) The degree and acceptability of impact of the proposed disturbance on the Significant Natural Area; and
- d) The methods proposed to alleviate such impacts to acceptable levels and demonstrate that there will be no negative impacts on the natural features or their ecological functions.

- 5.1.11.2** The extent of the environmental evaluation required, in terms of the appropriate level of detail and effort required to assess the development impacts, the features, areas, and functions to be evaluated and the required evaluations' timing, will be unique in every situation, depending on the characteristics of the site and the proposed development. The proponent or their consultant shall propose the scope of the work to be completed having consideration for Provincial technical guidelines. An initial ecological site assessment should identify potential significant natural heritage features or areas with a site screening report evaluating these features or areas for significance. If the features or areas are determined to be significant, a full environmental study should be proposed. The municipality shall accept the proposed scope of work or require revisions in consultation with the Conservation Authority, Ministry of Natural Resources and Forestry, or other qualified professional.
- 5.1.12** The Municipality may prohibit all development, dumping or removal of fill, alteration to watercourses and natural drainage areas, removal of tree stands and the installation of roads and services within Significant Natural Areas without a satisfactory environmental evaluation prepared in accordance with Section 5.1.11.
- 5.1.12.1** In addition, other lands not within the Significant Natural Areas may be subject to the requirement of an environmental evaluation being carried out prior to development approval.
- 5.1.12.2** No environmental evaluation shall be required where the Township is satisfied that a development would not have negative impacts on the natural heritage system. Such circumstances could include where the development is of a minor nature, where there is only minor intrusion, or where development adds no further impacts due to existing development or existing impacts. This shall not be construed to supersede requirements that may exist under provincial or federal legislation. **OPA No. 1**
- 5.1.13** Negative impact or effect means degradation that is identified as being due to single, multiple, or successive development or site alteration activities and that, even after implementing mitigation measures, threatens the health and integrity of the natural features or ecological functions for which an area is identified. In the case of fish habitat, negative impact means any permanent alteration to, or destruction of fish habitat, except as has been authorized under the Fisheries Act. In the case of water, surface water, or ground water, negative impact means degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple, or successive development or site alteration activities.
- designation boundaries approximate**
- 5.1.14** The boundaries of Hazard and Environmental Protection Areas are approximate and will be used to guide the preparation of the Zoning By-law provisions which will implement the policies of this Plan. As detailed mapping of Hazard and

Environmental Protection lands and/or features becomes available, the local Conservation Authority and the Province will be consulted, and the Official Plan and Implementing Zoning By-law, will be amended as required. The Zoning By-law will establish more precise boundaries of Hazard and Environmental Protection Areas, and building setbacks appropriate to the degree of hazard and environmental sensitivity.

zoning

- 5.1.15** Hazard and Environmental Protection Areas will be zoned in a separate category in the implementing Zoning By-law.

5.2 Significant Natural Areas

- 5.2.1.1** The Municipality will designate Significant Natural Areas as 'Environmental Protection', or other suitable designations and will encourage the maintenance of these lands in their natural state where possible. These areas include Provincially Significant Wetlands, Habitat of Threatened and Endangered Species, Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), Significant Woodlands, significant valley lands, significant wildlife habitat, prairie grasslands, Locally Significant Wetlands, significant wildlife habitat, nature reserves, and fish habitat.

- 5.2.1.2** Significant Valley Lands are lands having a slope of 10 per cent or greater over a sustained area.

development in and adjacent to significant natural areas

- 5.2.2.1** Development or site alteration is not permitted in Provincially Significant Wetlands.
- 5.2.2.2** Development or site alteration in Fish Habitat, or in Habitat of Threatened and Endangered Species shall be subject to such provincial and federal requirements as may apply.
- 5.2.2.3** Development or site alteration may be permitted within Provincially Significant Areas of Natural and Scientific Interest (ANSIs), or may be permitted adjacent to Provincially Significant ANSIs, Provincially Significant Wetlands, Habitat of Endangered or Threatened Species, or Fish Habitat, if it can be demonstrated through an environmental evaluation that there will be no negative impact on the natural features or their ecological functions.
- 5.2.2.4** Development or site alteration within Significant Natural Areas other than those listed in sections 5.2.2.1, 5.2.2.2, and 5.2.2.3, and any significant development or site alteration adjacent thereto, may be permitted if it can be demonstrated through an environmental evaluation that there will be no negative impact on the natural features or their ecological functions.

- 5.2.2.5** For the purposes of Section 5, "adjacent lands" means those lands contiguous to a natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of adjacent lands shall depend on the circumstances, but will not exceed 120 metres from the feature.
OPA No. 1

other natural features

- 5.2.3** It is recognized that there will be natural features, located both within and outside the areas designated as Environmental Protection that may be important elements of the Municipality's natural heritage. Such elements may include surface water features, ground water features, prairies, meadows, and scrublands, habitat of threatened and endangered species and the corridors and linkages between natural features. To protect these, the Municipality will work with residents, service clubs and/or naturalist groups to identify the natural features, such as rare trees, tree rows, vegetated areas, secondary corridors, linkage areas, and wildlife habitat; and, will encourage development proponents to conserve and enhance these features as part of the development approval process.

municipal activities

- 5.2.4** The Municipality will incorporate management practices with respect to municipal buildings and property to reduce the amount of contaminants (pesticides, herbicides, and salt) entering receiving watercourses through street cleaning, snow removal and weed control activities.

watercourses

- 5.2.5** Development along watercourses will be planned such that harmful alteration, disruption and destruction of fish habitat are avoided. The following principles will apply to any development that borders a watercourse in the Municipality:
- a) as a first option, natural stream bank vegetation should be maintained;
 - b) grassed slopes and other native vegetation, or other suitable erosion control methods, should be introduced and should be maintained on the banks of watercourses;
 - c) construction of tile outlets should not contribute to erosion along watercourses;
 - d) tree planting or other buffer measures should be installed where appropriate to protect watercourse banks and enhance the "biological corridor" role of watercourses;
 - e) interim measures to protect the watercourse from erosion and sedimentation during construction should be incorporated; and
 - f) an appropriate setback for all development from the top of bank of watercourses will be required in order to prevent erosion, improve water quality, enhance wildlife corridors and protect fish habitat, in addition to protecting the development from flooding and slope instability.

trees

- 5.2.6.1** In order to maintain a healthy stock of mature trees, the Municipality will require development proponents, as a condition of approval, to preserve mature trees where possible and when trees must be removed, these shall be replaced with new plantings in a reasonable time by trees of similar species and of sufficient maturity to enhance the appearance of the development. In addition, the Municipality will encourage the introduction of new tree plantings as one component of the development approval process.

woodlot management

- 5.2.6.2** In accordance with the Lambton County Woodlands Conservation By-law or successor, no clearing of woodlots will be permitted except for minor clearing for convenience purposes as approved by Lambton County Council. County Council may require, as a condition of approval, reforestation of, at least, an equivalent area of land, or planting of a fence line or windbreak. County Council may also require that the reforested area be appropriately rezoned.
- 5.2.6.3** Where forest cover has been removed and is to be replaced as a condition of a development approval, the use of indigenous species of vegetation is encouraged. Restoration work should be required at a rate of twice the area of forest cover that was removed. Preference will be given to replacing the trees at the same site and/or within the Environmental Protection or Hazard designations, or in locations that would create or enhance key linkages in the natural heritage system. The replacement tree stock should consist of indigenous species where quality stock is available and be maintained by the proponent to the free to grow stage. Long term management of these replacement trees will comply with the County of Lambton Woodlands Conservation By-law or successor.

legislative measures

- 5.2.6.4** To encourage woodlot protection, the Municipality may consider implementing relevant sections of the Forestry Act, the Woodlands Improvement Act, the Municipal Act and any other relevant legislation.

tree saving plans

- 5.2.6.5** Development proponents within or adjacent to wooded areas will be required to submit a Tree Saving Plan, satisfactory to the Municipality as a condition of approval. The Tree Saving Plan shall:
- a) contain an inventory of existing tree species and condition;
 - b) indicate the impact of development on existing trees and the wild life habitat that they provide;
 - c) indicate measures necessary to reduce the negative effect of development;
 - d) indicate the trees to be removed and ensure the preservation of the remaining trees;

- e) indicate a plan for the replacement of trees with suitable quality stock, preferably of indigenous species, and maintenance of replacement trees to a free to grow stage;
- f) be included in the development agreement; and
- g) incorporate the requirements of an environmental evaluation if the wooded area is part of a Significant Woodland.

definition

- 5.2.6.6** Significant Woodlands are those forested areas which are designated Environmental Protection in a Primary corridor or Significant Natural Area, or any contiguous forested area that is 2 hectares, or greater in size.

natural corridors

- 5.2.7** The linking of Significant Natural Areas through a comprehensive system of natural corridors will be encouraged. Stewardship initiatives and compatible land uses will be encouraged in an effort to restore areas of vegetation gaps and forest openings within these natural corridors. Any reforestation required by the Lambton County Woodlands Conservation By-law or successor or a Tree Saving Plan or as a condition of a permission granted under either should maintain and enhance existing corridors where practical.

species at risk

- 5.2.8.1** The Endangered Species Act, 2007 and its Regulations provide protection to species listed in the Species at Risk in Ontario List as endangered or threatened and also to their habitat. Such habitat has not been described or delineated for all endangered and threatened species, delineated habitat is considered sensitive information by the province, and the list of endangered and threatened species may change subsequent to this Plan being adopted. Such habitat may therefore include areas not identified as Significant Natural Areas in this Plan and not subject to Planning Act approvals.

- 5.2.8.2** Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the Endangered Species Act. Where the Township has reason to believe that proposed development may be located within or adjacent to such habitat, the proponent shall be required to consult with the Ministry of Natural Resources and Forestry regarding the need for further investigations. The municipality shall consult with the Ministry where it is suspected municipal activities may be located within such habitat.

vulnerable aquifers

- 5.2.9** Schedule "B" to this Plan shows areas overlying aquifers classified as highly vulnerable. Development in these areas shall comply with the Drinking Water Source Protection policies in Part C Section 10.3 and any source protection plan completed under the Clean Water Act. Development that has potential to negatively

impact these areas may be prohibited, restricted, and/or subject to an evaluation of the potential impacts to the aquifer.

5.3 Natural Hazards

Major watercourses, corresponding flood plains and valley systems with significant slopes represent constraints to development. The following policies will apply to development within and adjacent to flood plains and adjacent to significant slopes.

5.3.1 Flood Plain Policies

regulatory flood standard

5.3.1.1 The Regulatory Flood Standard for the Municipality is based upon the Hurricane Hazel storm centred event which occurred in 1954.

one zone concept

5.3.1.2.1 The flood plain for major watercourses exhibiting valley topography is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will be determined in consultation with the local Conservation Authority.

5.3.1.2.2 All buildings and structures will be prohibited except for:

- a) those necessary for flood or erosion control;
- b) those necessary for conservation purposes;
- c) minor buildings such as rain shelters; and
- d) those structures that comprise a portion of a recreation pathway; or those permitted through the specific policies elsewhere in this section .

5.3.1.3 All such development below the regulatory flood line will require an approval from the local Conservation Authority pursuant to provincial "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourse" legislation or successors.

absence of engineered floodlines

5.3.1.4 The preparation of engineering reports to determine the extent of the floodplain may be required in areas where no engineered flood lines exist. The cost of required reports will be borne by the development proponent.

existing development in the floodplain

5.3.1.5 Any redevelopment or expansion of existing development within the flood plain must be in conformity with the policies of this Plan and the policies of the local Conservation Authority. All such development below regulatory flood lines will require written permission from the local Conservation Authority.

5.3.2 Unstable Land

setbacks from slopes

- 5.3.2.1** Development adjacent to steep slopes or watercourse valleys will be subject to setbacks from the stable top-of-bank. The stable top-of-bank will be determined by the proponent in consultation with the Municipality and the Conservation Authority/Province. The required development setback will reflect the degree, severity and extent of the hazard. The erosion hazard (slope setback) will be determined using an allowance for slope stability, an erosion allowance based upon the 100 year erosion rate, and an erosion access allowance. A standard setback may be included in the implementing Zoning By-law.

engineering and geotechnical studies

- 5.3.2.2** Where slope stabilization, development or redevelopment is proposed near the top-of-bank of a major watercourse or significant slope, the proponent will consult with the Municipality regarding the need for geotechnical or engineering studies.
- 5.3.2.3** Where Ontario Regulations stipulate, the Municipality will consult with the Conservation Authority, however, outside regulated areas, the Municipality may consult with the Conservation Authority at its own discretion. The Municipality will reserve the right to require geotechnical and/or engineering studies and/or works.

6 Resource Extractive

permitted uses

- 6.1** Lands designated as Resource Extractive may be used for the extraction of mineral resources (mineral aggregates and minerals) such as sand, gravel, stone, or clay together with the ancillary uses of aggregate storage, a stone crushing plant, processing facilities, overburden storage, administrative offices, scales and accessory uses unless specifically restricted elsewhere in this section. Importing aggregate materials and recycled materials (e.g. recycled asphalt and concrete) for blending with materials extracted at the mineral resource extraction operation is also permitted within the Resources Extractive designation. Extraction of mineral resources is an interim land use. Prior to, and after extraction, the lands may also be used in accordance with the Agricultural Area policies contained in this Plan.

general policies

- 6.2.1** Existing licensed resource extractive operations will be protected from activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact.
- 6.2.2** In areas adjacent to or in known mineral resource areas, development that would preclude or hinder the establishment of new operations or access to the resource will only be permitted if:
- a) issues of public health, public safety and environmental impact are addressed, and:
 - i) resource use would not be feasible; or
 - ii) the proposed land use or development serves a greater long term public interest.

wayside pits and asphalt plants

- 6.3** Wayside pits and quarries, and portable asphalt plants, used on public authority contracts will be permitted in all land use designations except Hazard and Environmental Protection Areas and areas where conflicts with existing developments would occur. A Zoning By-law amendment will be required to establish a new wayside pit or quarry in an area of existing development or in an area of particular environmental sensitivity.

extractive operations on lands not designated

- 6.4.1** The establishment of new resource extractive operations or expansions to existing operations on lands not designated Resource Extractive will require an amendment to both the Official Plan and the Zoning By-law. Applications to amend the Official Plan and By-law must be supported with the following information:

- a) The impact such operations might have on adjacent land uses, in particular on residential uses including farm dwellings;
- b) The environmental and ecological impact of such operations;
- c) The impact on the road system;
- d) The degree to which productive farmland would be lost;
- e) The proposed method of operation;
- f) The adequate rehabilitation of mineral extraction operations sites;
- g) The location, shape, topography, contours, dimensions, area and characteristics of the lands to be used for the new resource extraction operation;
- h) The use of all land, and the location and use of all buildings and structures on the subject lands and within 500 metres (1,640 feet) of any of the boundaries of the lands to be used for the resource extraction operation;
- i) The specific location, type, quantity and quality of the mineral resources within the lands to be used for resource extraction purposes;
- j) Plans showing progressive grade changes, excavation setbacks, proposed buildings, changes to the drainage systems, access points, mineral storage areas, screening and berming and progressive rehabilitation of the site during the active life of the resource extraction operations; and
- k) The ultimate rehabilitation and reuse of the site.

6.4.2 The above-noted information may be supplied by the proponent in an application for a licence under the Aggregate Resources Act, a separate submission to the Municipality or a combination of both.

pit rehabilitation

6.5 When the extraction of the mineral resources has been concluded in accordance with all site plan agreements, and all rehabilitation requirements, the Resource Extractive Areas will only be used in accordance with the Agricultural Area policies and land use designations of this Plan.

6.6 Progressive or sequential rehabilitation of lands within Resource Extractive Areas will be encouraged in accordance with a rehabilitation plan prepared in accordance with the Aggregate Resources Act, as amended.

6.7 When resource extractive operations are proposed for agricultural lands, rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture are restored. Complete agricultural rehabilitation is not required if:

- a) there is a substantial quantity of mineral resource below the water table warranting extraction;
- b) the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;

- c) other alternatives have been considered and found unsuitable; and
- d) agricultural rehabilitation in remaining areas will be maximized.

provincial requirements

- 6.8** All resource extractive uses must satisfy the requirements of the Province as to water supply, disposal of liquid wastes, pumping operations, the control of air and noise pollution and vibrations where blasting is involved.

7 Rural Clusters

- 7.1** Rural Clusters are identified on Schedule "A" to this Plan. The policies of the Agricultural Area shall generally apply with the exception that consents may be granted for:

- a) The creation of a new lot for a single-detached dwelling; or
- b) A lot addition to an existing undersized residential lot.

- 7.2** The limits of Rural Clusters shall be established in the Zoning By-law as a separate Zone.

- 7.3** New lots and lot additions within Rural Clusters shall be permitted without amendment to this Plan provided:

- a) The zone designation is appropriately amended, if necessary;
- b) The new lot or lot addition is confined generally to the Rural Cluster limit established on the Zoning Schedules while also being contiguous to existing lots in the Rural Cluster and/or infilling between existing lots;
- c) Appropriate separations and/or buffers are maintained between incompatible uses; and
- d) New lots are serviced by a municipal water supply system.

Part C
Municipal Services & Utilities

Section 8	Transportation
Section 9	Public Uses & Utilities
Section 10	Municipal Services, Stormwater Management, and Sensitive Uses
Section 11	Alternative and Renewable Energy Generation Facilities

8 Transportation

It is the policy of the Municipality to provide and maintain efficient, cost-effective and reliable transportation systems that integrate with adjacent systems and those of other jurisdictions to serve the needs of the local population.

8.1 Road System

- a) The movement of vehicles on public rights-of-way will be given a high priority in the planning of the transportation system within the Municipality.
- b) The following hierarchy of roads is hereby established:
 - i) Arterial Roads;
 - ii) Collector Roads; and
 - iii) Local Roads.

8.1.1 Arterial Roads

function

- 8.1.1.1** Arterial Roads transport large volumes of traffic between the different areas within the Municipality and through the Municipality. Direct access is usually from other Arterial Roads and Collector Roads.

access

- 8.1.1.2** Direct access to Arterial Roads from Local Roads and abutting properties is not encouraged, except where local circumstances do not provide alternatives.

right-of-way width

- 8.1.1.3** The minimum right-of-way width for Arterial Roads, will generally be 26 to 30 metres (86 to 100 feet). A greater right-of-way width will be provided for turning lanes at road intersections where required.

intersection improvements

- 8.1.1.4** In areas which are already developed, existing Arterial Road intersections will be improved as required.

new intersections

- 8.1.1.5** In areas where new development is proposed, new Arterial Road intersections will be adequately spaced, and will be provided with necessary traffic control equipment and turning lanes, to maintain a safe and desirable movement of vehicular and pedestrian traffic.

setbacks

- 8.1.1.6** The Zoning By-law will establish minimum setbacks for buildings along Arterial Roads to ensure room for future road widening and installation of additional traffic lanes, if required. Arterial Road widening will not be undertaken until the impact on abutting properties is studied and any negative effects are minimized.

high traffic land uses

- 8.1.1.7** Land uses, which generate high volumes of traffic, including truck traffic, will be encouraged to locate along Arterial Roads.

trucks

- 8.1.1.8** The movement of truck traffic through the Municipality will be encouraged on Arterial Roads rather than Collector Roads or Local Roads.
- 8.1.1.9** The Arterial Roads are Churchill Line west of Oil Heritage Road, Petrolia Line, Courtright Line, Oil Heritage Road, Mandaumin Road and Forest Road north of Petrolia Line.

8.1.2 Collector Roads**function**

- 8.1.2.1** Collector Roads carry traffic volumes to and from major traffic generators or within or between residential neighbourhoods.

access

- 8.1.2.2** Direct driveway access to Collector Roads from low density residential uses will generally be discouraged, wherever possible.

right-of-way width

- 8.1.2.3** Collector Roads will have a minimum right-of-way width of 20 metres (66 feet) in urban areas and 26 metres (86 feet) in rural areas. Preferred right-of-way widths in rural areas will be 30 metres (100 feet).

intersection improvements

- 8.1.2.4** Collector Road intersections will be adequately spaced to ensure the safe and desirable movement of traffic and pedestrians and to minimize the infiltration of through traffic onto Local Roads in residential neighbourhoods.

location and design

- 8.1.2.5** Collector Roads will be located and designed to discourage through vehicular traffic within residential areas. Where possible, reverse frontages will be used for residential lots adjacent to collector roads.

8.1.2.6 The Collector roads are: Marthaville Road, Churchill Line east of Oil Heritage Road, LaSalle Line west of Oil Heritage Road, Oil Springs Line west of Oil Heritage Road, and Aberfeldy Line west of Oil Heritage Road.

8.1.3 Local Roads

function and access

8.1.3.1 Local Roads provide unrestricted access from abutting properties to the municipal road system.

right-of-way width

8.1.3.2 Local Roads will have a minimum right-of-way width of 20 metres (66 feet), or a minimum width of 15 metres (50 feet) in areas where alternative development standards are deemed appropriate by the Municipality.

8.1.4 General Road Policies

land acquisition for roads purposes

8.1.4.1 As a condition to the approval of a plan of subdivision or land severance, the Municipality may require the dedication of new roads. In addition, land dedication for road widening or intersection improvements for a plan of subdivision, or land severance, may be required where the road right-of-way width is less than that required by this Plan.

development applications & road widening

8.1.4.2 Road widening, or intersection improvements, as a condition to the approval of new development, may be required in accordance with the Site Plan Control policies of this Plan.

8.1.4.3 New development will be prohibited on private roads, except within approved Plans of Condominium or on existing lots fronting onto an existing private road. The Municipality must be satisfied as to the adequacy of the private road to accommodate anticipated traffic. The Municipality will not assume any existing private roads unless these roads are upgraded to a standard acceptable to the Municipality.

8.1.4.4 Land will be required to be conveyed at no expense to the Municipality for municipal road widening as a condition of severances, plans of subdivision, or as a consequence of new development, changes in use that generate significant traffic volumes, additions that substantially increase the size or usability of buildings or structures, where the subject lands front on municipal roads. For lands fronting on County or Provincial roads, development proponents are encouraged to consult with the appropriate County or Provincial road authority.

8.1.4.5 Unequal widening may be taken where topographic features, federal land ownership, historic buildings or other cultural heritage resources, significant environmental concerns or other unique conditions necessitate taking a greater widening or the total widening on one side of an existing municipal road right-of-way.

8.1.4.6 Right-of-way width requirements for a specific section of roadway may be reduced where special circumstances warrant and long-term requirements will not be affected.

8.1.5 Use of Road Allowances

municipal services

8.1.5.1 Services provided or to be assumed by the municipality shall be required to be located within road right-of-ways or, when not otherwise feasible, in easements specifically for such purposes.

public utilities

8.1.5.2 Privately operated utilities which serve abutting owners may be located in road rights-of-way where reasonably practicable. If an existing road right-of-way width is less than the minimum right-of-way width identified by this Plan, the utility proposing to locate services may be required to acquire (or pay the cost of acquisition by the municipality) the additional land required to meet the minimum right-of-way standard.

other public services

8.1.5.3 Electricity transmission systems and pipelines for the transmission of oil, gas, brine or other liquid products of the oil and gas industry shall be permitted to cross but shall not otherwise be located within any road right-of-way. The preferred location for such facilities is a multi-use easement corridor. Where it is determined (for environmental or other reasons) that such facilities should be located upon a particular road right-of-way, the proponent shall be required to acquire (or pay the cost of acquiring) sufficient land for the widening of the road allowance beyond the minimum standards of this Plan to accommodate the facilities.

relocation of services

8.1.5.4 The primary function of all road rights-of-way is to serve the transportation system needs of the municipality. The secondary function of all road rights-of-way is to provide for the distribution of municipal utilities to inhabitants of the municipality. Where a road right-of-way is used for any other purpose (such as the provision of privately operated utilities), such use shall be at the risk and expense of the utility or proponent. The municipality may direct the location or relocation of any fixture or thing (utility, distribution, or transmission system, etc.) in the road right-of-way. All expenses associated with the construction, relocation or removal of any fixture or thing maintained in a road right-of-way shall be borne by the utility or proponent.

multi-modal use

- 8.1.5.5** Where appropriate, road allowances may be used for a multi-modal transportation system. This may include the location of sidewalks, bike lanes, trails, pedestrian lighting, resting locations, and similar uses within road allowances.

8.2 Rail Facilities

- 8.2.1** Abandoned rail line corridors will be preserved for future transportation, utility or recreation purposes.

- 8.2.2** The protection of abandoned railway rights-of-way for other uses is encouraged. Dissolving an existing right-of-way by conveying the land to abutting owners is discouraged, to ensure the availability of the right-of-way should rail transportation again become important in the future.

8.3 Parking Facilities**minimum standards**

- 8.3.1.1** The Zoning By-law will establish minimum off-street parking standards for all appropriate land uses and forms of development.

- 8.3.1.2** These minimum parking standards will be related to the amount of traffic generated by individual uses.

on-street parking discouraged

- 8.3.2** On-street parking will generally be discouraged except on Local Roads, and where such on-street parking is eliminated as a result of road improvements. The Municipality will encourage the provision of equivalent off-street parking wherever feasible.

accessible to persons with disabilities

- 8.3.3** The Municipality will ensure the development of off-street parking facilities, whether public or private, in such a manner as to be accessible to persons with disabilities.

parking provided on same lot

- 8.3.4** Off-street parking, loading and truck storage facilities will generally be provided on the same lot as the land use that the parking facilities serve.

cash in lieu

- 8.3.5** The Municipality may accept cash in lieu of parking spaces subject to the following provisions:

- a) Cash in lieu of parking will not be acceptable for operations that provide short term accommodation (e.g. motels, bed and breakfasts); and

- b) Cash in lieu of parking will not be accepted for highway commercial areas unless it is determined that adequate parking is provided through communal parking areas (e.g. shared parking in plazas).

8.4 Pedestrian and Bicycle Traffic

sidewalks and walkways

- 8.4.1** Adequate provision will be made for sidewalks and walkways to enhance the convenience and safety of pedestrians.
- 8.4.2** Sidewalks will generally be provided within Urban Residential and Central Commercial Areas along both sides of Arterial Roads and along at least one side of Collector Roads and Local Roads, where warranted by vehicular or pedestrian traffic volumes
- 8.4.3** Facilities for the safe movement of pedestrians, including access and on-site movement, will be provided in all new developments, including the redevelopment of land.
- 8.4.4** Pedestrian walkways and sidewalks will be provided within residential subdivisions to minimize walking distances between dwellings and schools, parks, and local commercial uses.
- 8.4.5** Sidewalks will be separated from road pavement by boulevards in all new residential subdivisions, wherever possible.

bicycle ways

- 8.4.6** Bicycle ways within parks and between residential areas and schools, parks and commercial facilities will be provided wherever feasible.
- 8.5** Bicycle rights-of-way along Arterial Roads may be provided wherever sufficient volumes of bicycle traffic are in evidence, wherever feasible.
- 8.4.8** During most times of the year, the bicycle is a viable alternative to other modes of transportation, is environmentally sound, and supports active, healthy lifestyles. Wherever feasible, the Municipality will promote and initiate improvements to enhance bicycling as a means of transportation.

lead by example

- 8.4.9** Where appropriate, the Municipality will provide accessible and sufficient bicycle parking areas at Municipally owned and operated facilities in order to promote the use of the bicycle as an alternative to motor vehicles.

9 Public Uses and Utilities

9.1 General Policies

Except as provided for in Section 9.2, the following public services and facilities are permitted in all land use categories, subject to the development policies of this Plan:

- a) transportation, communication, and hydro corridors, and associated facilities subject to applicable laws and regulations under Province of Ontario Statutes;
- b) water supply, sewage treatment, storm drainage facilities, and utility services;
- c) municipal government buildings and facilities;
- d) the re-use of abandoned utility and/or transportation corridors for public purposes;
- e) public open space; and
- f) natural gas pipelines and accessory works.

definitions

9.1.1.1 Throughout this Plan the term "utility" shall include but not be limited to municipally provided services such as water supply, sanitary sewers, and storm drainage; privately operated services such as electricity, natural gas, telephone, cable, and other communications services; brine, oil, gas, and other petrochemical pipelines; associated electricity generation facilities, transmission systems, distribution systems, and collection systems; and facilities and structures appurtenant to transmission, distribution, and collection systems. Where the context implies, "utility" or "utilities" shall mean the entity providing such utilities.

9.1.1.2 Public services and facilities shall include utilities; municipal government buildings; municipally owned or operated community facilities; public open spaces; rail; roads; and other public transportation networks.

municipal facilities

9.1.2 When making decisions with respect to the construction, renovation, or maintenance of municipal facilities and assets and in the provision of services, the Township will:

- a) work towards implementing provincial accessibility standards and removing barriers at municipal facilities for persons with disabilities;
- b) consider the incorporation of energy efficient designs and technologies into buildings, site layouts, and landscaping and other measures that will reduce municipal energy consumption or reduce reliance on grid-supplied electricity; and
- c) assess the desirability of incorporating small scale electrical generation facilities and participate in Provincial procurement processes such as the Feed-in Tariff and micro-FIT programs.

9.2 Restrictions on Public Uses

compatibility with residential areas

- 9.2.1** In residential areas the public services and facilities listed in Section 9.1 will be designed and constructed so that they are compatible with the surrounding residential area.

agricultural land

- 9.2.2** Where public services and facilities are proposed on high capability agricultural land (Canada Land Inventory Class 1 to 3), the need must be documented, as must the reasons why lower capability or marginal land cannot be used.

significant natural areas

- 9.2.3** The public services and facilities listed in Section 9.1 will be prohibited in Significant Natural Areas unless they are authorized under an environmental assessment process, or subject to the Drainage Act.

9.3 Oil and Gas Extraction

- 9.3.1** Except as provided for in Section 9.2 above, exploration, drilling for, and production of oil and natural gas is permitted in all areas of the Municipality. In order to minimize potential negative impacts on the environment, any exploration or drilling for production of oil and natural gas will be in accordance with the Ontario Petroleum Resources Act. In addition, the plugging of abandoned oil and natural gas wells and the storage of oil and natural gas will comply with the requirements of the Oil, Gas and Salt Resources Act, including the following:

- a) Well operators shall ensure that salt water, drilling fluid, oil refuse and any flammable products from a well are handled or disposed of in a manner that does not create a hazard to public health or contaminate any fresh water horizon;
- b) waste or oil field brine must not be disposed of underground without the approval of the Province;
- c) collection, storage and surface disposal of oil field brine shall be in accordance with the standards of the Province regarding water quality, where applicable; and
- d) the operation of the wells shall not exceed the Provincial outdoor noise Guidelines for rural areas nor shall vibration levels be permitted that may result in the loss of enjoyment of normal use of adjoining property.

9.4 Electricity Generation Facilities and Transmission and Distribution Systems

permitted in any designation

- 9.4.1.1** Electricity generation facilities and transmission and distribution systems that operate at 50 kilowatts and above, or facilities that transform from above 50 kilowatts to less than 50 kilowatts including all works as defined in The Power Corporation Act and succeeding legislation, (such as transmission lines, transformer stations and distributing stations) are permitted in all designations without an amendment to the Plan subject to any regulatory requirements for the utility involved. The electricity utility will be required to consult with the Municipality regarding the location of new electricity generation facilities and transmission and distribution systems.

renewable energy projects

- 9.4.1.2** Notwithstanding, electricity generation facilities shall be subject to Part C Section 11 Alternative and Renewable Energy Generation Systems.

other electric facilities

- 9.4.2** Other electricity facilities including buildings, structures and uses not used directly for the generation, transmission, or distribution of electricity, will comply with the provisions of this Plan and the Zoning By-law.

- 9.4.3** The above policies do not preclude the Municipality's right to participate in discussions on the location criteria of new electricity generation facilities and transmission and distribution systems.

secondary uses

- 9.4.4** Secondary land uses, such as active and passive recreation, agriculture, community gardens, other utilities, and uses such as parking lots and outdoor storage that are accessory to adjacent land uses, are encouraged on hydro corridor lands, where they conform to this Plan and the Zoning By-law and are deemed by Council to be compatible with surrounding land uses. However, a proponent should be aware of the primacy of the electricity transmission and distribution facilities and that secondary uses require technical approval from Hydro One Networks Inc.

9.5 Telecommunications

- 9.5.1** The Township supports the provision of new and enhanced wireless services to the community that balance land use interests and impacts to environmentally sensitive areas.

- 9.5.2** Recognizing that Industry Canada has final authority over telecommunications facilities under the Radiocommunication Act (R.S.C. 1985 c. R-2) and Telecommunications Act, (S.C. 1993, c. 38), when telecommunications providers are proposing new or altered infrastructure:

- a) towers should be located in agricultural and industrial areas and are strongly discouraged within 250 metres of any dwellings or designated residential areas;
- b) facilities should be co-located or located on existing poles or buildings wherever feasible;
- c) towers should be designed and located to minimize visual impact and to avoid disturbance to natural features;
- d) telecommunications providers should submit appropriate information and pre-consult with the municipality;
- e) the Township may require the proponent to enter into an agreement for the development of the lands; and
- f) telecommunications provider should provide appropriate notice and public consultation.

9.5.3 Easements or leases are the preferred method of land tenure. Severances and easements should not result in farm fragmentation. Telecommunications providers should be responsible for maintenance, decommissioning, and site clean-up of any facilities or corridors.

10 Municipal Services, Stormwater Management and Sensitive Land Uses

10.1 Sanitary Sewerage

This section outlines the Municipality's requirements for sanitary sewage collection, treatment and disposal systems.

municipal service area

10.1.1 All development within the sewer service area will be serviced by sewer facilities. When development is proposed in the sewer service area and the necessary lines are not yet installed, the developer will be responsible for the provision of necessary extensions. The Municipality will pass a By-law pursuant to the Municipal Act defining areas where sewer system connections are mandatory.

special industrial servicing

10.1.2 Industrial Areas within the sewer service area may, at the discretion of the Municipality in consultation with the Province, be permitted to develop on individual services where specialized treatment related to industrial processes is required. Council will pass a By-law outlining such services.

10.1.3 Dry industrial uses on private sewage systems will not be permitted in a municipal sewer service area.

reallocation of capacity

- 10.1.4** The Municipality may reallocate sewage capacity when the Municipality deems that allocated sewage capacity is not being utilized by existing approved draft plans of subdivision subject to the time period outlined in the draft approval. Reallocation will occur only when the specified time limit has expired and no appeal has been filed.

phasing of development

- 10.1.5** The Municipality will make no commitment or approve any development that would cause the capacity of a sewage treatment plant to be exceeded. In certain cases improvements to the sanitary sewer system may be required before development may proceed. Such improvements may include the provision of a new pumping station and/or sewer line extensions.

individual sanitary sewage treatment and disposal systems

- 10.1.6** Any development which is not serviced by full municipal services and is proposed on communal, partial municipal or individual on-site systems must be supported by studies which include, as a minimum, evaluations of soil percolation rates, impacts on ground water resources, ground water mounding and adjacent watercourses. Reserve areas for replacement septic systems will be required for each lot when the mode of sewage servicing is individual private sewage systems or communal systems. Where new multi-lot clusters are proposed, proponents will be required to submit soils and hydrological studies completed by qualified soils engineers or hydrogeologists with recognized expertise in on-site sewage and potable water system designs.
- 10.1.7** New development, located outside the sewer service area and requiring individual systems, will be permitted if it conforms to the land use policies of this Plan and the proposed site can accommodate an individual sanitary sewage treatment and disposal system based on the following criteria:
- a) The lot area will comply with the reasonable use guidelines developed by the Ministry of Environment and Climate Change for the type of development proposed and the system(s) to be used unless a satisfactory geotechnical report is completed in support of the development on the proposed lot area; and
 - b) A Certificate of Approval or Building Permit, as may be required, for an individual sanitary sewage treatment and disposal system is to be obtained.
- 10.1.8** Limited new development within the sewer service area will also be permitted on private sewage disposal systems by specific exemption by Municipal Council, provided it is located in an area of the Municipality where private services predominate, connection to municipal sewers is infeasible, and a limited number of undeveloped lots exist. The Council, committee of adjustment, or other body, as the

case may be, in considering an application for new development may also consider the use of communal systems and secondary treatment systems where appropriate.

10.2 Water Service

This section outlines the Municipality's requirements for water supply systems.

municipal service area

- 10.2.1** All development within the water service area will be serviced by municipal piped water facilities. When development is proposed in the water service area and the necessary lines are not yet installed, the developer will be responsible for the provision of necessary extensions. The Municipality will pass a By-law pursuant to the Municipal Act defining areas where water system connections are mandatory.

private water supply

- 10.2.2** Development may be permitted on private water systems, subject to proof that water quality and quantity are adequate, where piped water is not available and an extension of services is not economically feasible.

industrial process use

- 10.2.3** The Municipality may serve industrial needs for process or cooling water from the municipal system. As an option, industrial users may provide their own water supply system, subject to municipal approval and subject to the approval of the Province.

high volume industrial users

- 10.2.4** High volume industrial users using the municipal water supply system may be required to enter into an agreement with the Municipality whereby the industrial user will provide its own system and cease use of the municipal system in the event that the capacity taken by the industrial use is needed for other purposes, subject to sufficient notice as defined in the agreement. Depending upon the volume of groundwater or surface water required, a Permit To Take Water under the Water Resources Act may be required.

10.3 Drinking Water Source Protection

source protection plan and generic requirements

- 10.3.1** The Clean Water Act sets out a framework for the protection of drinking water sources and requires the adoption of a Source Protection Plan for the Thames-Sydenham and Region Source Protection Region within which the Township is located. The Township will ensure that this Plan and any decisions made under the Planning Act or Condominium Act have regard to the policies within the source protection plan, once it is adopted, as they apply to those low and moderate threats identified in the Township.

- 10.3.2** The Township will work collaboratively with the County and provincial agencies in assisting the Conservation Authority in the development and implementation of education and outreach programs designed to increase awareness and understanding of drinking water threats within the Township and to promote best practices as a means to reducing the risks to drinking water sources.

local source protection threats and policies

- 10.3.3** The Source Protection Plan's applicability will be limited within the Township as there are no municipal drinking water sources located within the Township. A significant number of private wells however exist for domestic and agricultural use.
- 10.3.4** Schedule "B" to this Plan shows vulnerable areas where moderate and low threat policies of the Source Protection Plan will apply. These areas consist of aquifers classified as highly vulnerable. Within these vulnerable areas:
- a) Land uses and activities that have the potential to pose threats due to chemicals or pathogens may be prohibited, restricted, or regulated. Specifically, such uses shall be prohibited in the Zoning By-law;
 - b) All storage and handling of liquid waste, petroleum, fuels, solvents, fertilizers, and related chemicals shall be provided for in properly designed and engineered containment areas in accordance with applicable policies, guidelines, technical standards, and legislation;
 - c) Technical studies and risk management plans may be required as part of any development application to identify, assess, and mitigate any potential concerns. Studies may include, but are not limited to, hydrogeological studies and spill prevention and contingency plans; and
 - d) The Township's sewer use by-law shall limit and regulate the quantity, quality, and nature of substances discharged into the sewer system.

10.4 Storm Water Management

- 10.4.1** The traditional approach to managing stormwater has been to remove runoff from parking lots, roads and lots as quickly as possible and channel it to nearby watercourses through a system of subsurface drains. This approach has a number of drawbacks including water pollution, excessive loading of sewage treatment plants where storm sewers connect with sanitary sewers, lowered water tables, erosion and increased dependence upon costly public drainage works infrastructure.
- 10.4.2** The current direction in managing stormwater is to utilize the natural absorption and infiltration qualities of the ground to induce ground water recharge and to filter out various impurities. The principles of natural stormwater management fit into the larger concept of watershed and sub-watershed planning.

- 10.4.3** The Municipality will consider programs, regulations and new technology that enhance the natural ability of the environment to reduce the rate of stormwater runoff, and to improve the quality of stormwater conveyed to watercourses.

retention and detention

- 10.4.4** Development proponents will be encouraged to employ Best Management Practices as the preferred strategy for the management of stormwater. The following methods should be encouraged:

- a) The use of greenspace for detention/retention ponds;
- b) The integration of detention/retention ponds into the municipal open space system;
- c) The use of cisterns or drywells on site which capture water for non-potable uses (lawn watering, car washing);
- d) The use of infiltration trenches;
- e) Processes such as man-made wetlands and permeable surfaces to absorb and distribute stormwater and recharge groundwater; and
- f) The use of oil grit separators.

management principles

- 10.4.5** In order to achieve no overall increase in the peak level and volume of stormwater runoff, all new development will be required to provide suitable site grading and outlet facilities for storm drainage. Development will be guided by the following principles:

- a) the flow of water resulting from a stormwater facility(s) is not to create or contribute to an erosion problem and/or water quality impairment;
- b) a stormwater facility is not to contribute to a drainage problem on other lands where such lands are intended to be developed, utilized for agricultural purposes or utilized for active recreational open space;
- c) a stormwater facility is to be designed in accordance with accepted engineering standards;
- d) a stormwater facility is not to adversely affect the hydrology of environmentally sensitive areas;
- e) the Municipality may consult the local Conservation Authority, and the Province when considering all multiple land severances and plans of subdivision; and
- f) storm water management facilities require the issuance of a certificate of approval under the Ontario Water Resources Act.

separation of stormwater from sanitary sewers

- 10.4.6** The Municipality will encourage the separation of stormwater inflow and infiltration from municipal sanitary waste water flows. The Municipality will also initiate the disconnection of rooftop leaders from sanitary sewers and eliminate other factors that add stormwater to sewers.

municipal and agricultural drains

- 10.4.7** Recognizing the importance of municipal drains to the agricultural industry and to overall ecosystem health, the principles of natural channel design will be utilized in the construction or rehabilitation of drains. This may include, where appropriate, the following:
- a) grassed slopes and other forms of plantings, or other suitable erosion control methods should be introduced and maintained on the banks of drains to add to the stability of the drainage channel;
 - b) tile outlets should be constructed to minimize erosion along watercourses;
 - c) tree planting or other buffer measures should be installed where appropriate to act as a windbreak, protect drain banks, and to restrict cultivation near drain banks; and
 - d) ponding areas should be incorporated in drains to reduce the speed and volume of flow, to act as settling areas for water borne particulate, to enhance evaporation and to serve as water storage areas.

10.5 Land Use Compatibility

The proposed use of all land in the Municipality must be compatible with adjacent land uses, having regard for the Ministry of Environment and Climate Change Land Use Compatibility (D-Series) Guidelines. Residential areas and other sensitive uses, such as hospitals and nursing homes, will be protected from undesirable air quality, excessive noise and vibration, and excessive dust and odour through the policies of the Plan and the use of Site Plan Control. Developers may be required to carry out noise, dust, odour and/or vibration assessments and determine control measures that are satisfactory to the Municipality and the Province.

10.6 Potentially Contaminated Sites

- 10.6.1** Where a change in land use is proposed and the previous or existing use has the potential to cause environmental contamination, the site will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. Adverse effects include one or more of the following: impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or plant and animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for use by humans; loss of enjoyment of normal use of property; and interference with normal conduct of business.
- 10.6.2** The Township will generally follow Ontario Regulation 153/04 *Records of Site Conditions* passed under the Environmental Protection Act, in determining when site assessment and clean-up are required on potentially contaminated sites.

- 10.6.3** A "record of site conditions" pursuant to the Environmental Protection Act and/or Ontario Regulation 153/04 must be completed and registered with the Province by a qualified person before certain changes of property use are permitted. If an application under the Planning Act or Building Code would result in land use changes that require a record of site conditions under Provincial legislation, its completion shall generally be prerequisite to the Township processing applications unless it is appropriate to require its completion as a condition of final approval. Holding provisions may also be used.
- 10.6.4** Records of site conditions involve a Phase I Environmental Assessment at minimum and additional Phases depending on earlier phases' findings. Changes of use requiring a record of site conditions generally include changes from industrial, commercial, or community uses to residential, parkland, institutional or agricultural uses, as these terms are defined in the Provincial legislation. Exemptions are provided in the legislation. Where a record of site conditions is required for a change of use from any industrial or certain commercial uses, as listed in the legislation, a Phase II Environmental Assessment is an automatic requirement.
- 10.7 Waste Management Systems**
- definition**
- 10.7.1** Waste Management Systems include sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.
- development on or in vicinity**
- 10.7.2** Schedule "A" identifies the location of all known active and former waste disposal sites (as of the date of approval of this Plan). Any new development, or change of use, on or within 500 metres of the perimeter of an active or closed waste disposal site (located in this or an adjoining Municipality) will be subject to consultation with the Province before any Zoning By-law, Zoning By-law amendment, official plan amendment or other Planning Act approval is adopted or granted for such lands. A study may be required to be undertaken by a qualified professional that evaluates the presence and effect of environmental contaminants including but not necessarily limited to methane gas and leachate. The study will address the feasibility of mitigation measures if required. If it is found that a potential adverse effect or potential risk to health and safety does exist, development may be restricted and/or refused.
- 10.7.3** Where development or change of use is proposed on a waste site, no Zoning By-law, Zoning By-law amendment, official plan amendment or other Planning Act approval will be adopted or granted until approval from the Province is obtained in accordance with Section 46 of the Environmental Protection Act, if more than 25 years has lapsed since the land ceased to be so used for waste disposal purposes.

10.8 Sewage Lagoons

New residential developments and other sensitive land uses will not be permitted within 400 metres of any existing sewage lagoons within the Municipality or an adjoining Municipality without a review of potential odour conflicts. A minimum setback of 100 metres shall be required, in order to provide an odour buffer.

10.9 Public Utilities

underground lines

10.9.1 Underground utilities, including electricity distribution systems and telephone lines, will be required in all new developments within Residential Areas and in other areas, but only where possible and at the expense of the developer or proponent.

10.9.2 With the approval of all utilities within a corridor or right-of-way, all existing overhead wiring will be encouraged to be re-installed underground.

multiple uses of rights-of-way

10.9.3 The Municipality will encourage the multiple-use of hydro corridors to accommodate drainage or other utilities, parking areas, parkland, agricultural operations and natural gas, oil and petrochemical pipelines, in accordance with the land use policies and designations of this Plan.

10.9.4 Natural gas, oil and petrochemical commercial delivery pipelines will be installed within existing corridors wherever feasible and practical.

10.9.5 Wherever possible, 'easements' should be used to accommodate new utility corridors rather than creating new separate and distinct lots.

10.9.6 The minimization of impacts on woodlots and agricultural lands should be the highest priority in determining a utility line or corridor route in rural areas.

10.9.7 Measures to mitigate impacts on agriculture during and after construction should be followed.

10.9.8 Design, construction, site restoration and maintenance should be carried out in accordance with relevant environmental guidelines regarding watercourses, sediment control, environmentally significant areas, natural heritage corridors, and agricultural lands.

10.9.9 Consideration should be given to ensuring that aboveground facilities or structures are aesthetically pleasing and visually harmonious with the surrounding area.

- 10.9.10** The Utility Company will maintain and be responsible for the corridor and the decommissioning and/or removal of facilities upon the abandonment of the utility corridor or appurtenance therein.

10.10 Abandoned Petroleum Wells

As a condition of approving development (severances, plans of subdivision), the County and/or the local municipality will require that improperly abandoned (plugged) wells that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe in accordance with Provincial requirements. Building locations should be examined for the presence of possible well sites using established standards and procedures. Areas where wells are located should be avoided when siting buildings, unless it can be demonstrated that development can safely occur.

10.11 Unused Water Wells

- 10.11.1** An unused water well, if not properly plugged and sealed, can contaminate the aquifer and cause a safety hazard to humans, livestock and wildlife. While it is recognized that much of the legislation regarding groundwater contamination is Provincial, there are matters, which can be considered by Council:
- 10.11.2** When processing development proposals such as severances, plan of subdivisions and rezoning, it should be required, as a condition of approval, that any unused water wells on the property be plugged, according to Provincial Regulations, by a licensed well contractor. This supports Section 10.6.1 of this Plan.
- 10.11.3** When the municipality extends water lines, affected residents should be made aware of the Provincial requirements to properly plugging unused water wells.
- 10.11.4** The municipality should support programs developed to assist landowners with the plugging of unused water wells.

11 Alternative and Renewable Energy Generation Facilities

supported electrical infrastructure

- 4.1** The Township supports the construction of electricity generation facilities and transmission and distribution systems in the Township. The Township specifically supports alternative energy generation facilities and the following renewable energy generation facilities:
- a) Renewable biomass facilities;
 - b) Biogas facilities;

- c) Rooftop solar facilities, on buildings that are not constructed only for the purpose of supporting rooftop solar facilities;
- d) Landfill gas for existing landfills only (if viable), but not the establishment of new landfills;
- e) Geothermal;
- f) Small, stand-alone ground mounted solar units that do not consume useable farmland; and
- g) Wind energy facilities of a small scale (e.g. an individual turbine with a small name-plate capacity) that serve primarily to supply electricity to uses on the same property on which the facility is located

4.2 The Township does not support and is an "unwilling host" with respect to the construction of the following renewable energy generation facilities within the Township:

- a) Ground-mounted solar facilities of 100 kW name plate capacity or greater or of any size that consumes productive agricultural lands; and
- b) Wind energy facilities (i.e. multiple turbine projects and/or large name plate capacities) that primarily produce electricity for sale to the grid.

Part D

Community Development

Section 12	Culture and Heritage
Section 13	Amenity & Design
Section 14	Urban Design
Section 15	Energy Conservation
Section 16	Community Improvement
Section 17	Signs
Section 18	Home Businesses
Section 19	Local Economic Incubation
Section 20	Compatibility Criteria
Section 21	Affordable Housing

12 Culture and Heritage

- 12.1** Culture is a combination of the attributes of human activity, heritage, and the unique natural and human qualities of a region. Land use planning has traditionally focused on preservation of past culture represented in surviving built form and archaeological resources. As well as the historic and physical, culture includes modern and intangible aspects such as traditions, customs, local produce, art, stories, celebrations, festivals, events, values, significant natural and built areas, clothing, heritage, history, artefacts, locally owned businesses, expression, literature, built form, programs, networks, education, opportunities, vision of the future, unique local foods and produce, objectives, priorities, recreation and leisure, volunteerism, and interests,
- 12.2** Culture is integral to developing a community identity and sense of place, and is a major factor in quality of life and civic pride. These things are in turn necessary for economic and community development - making the community an appealing location for visitors and new residents, business and industry, for retention of existing residents, for retention and new investment by existing business and industry, and for community sustainability.
- 12.3** The Township may facilitate the development and marketing of its cultural identity by:
- a) collaborating with the County, neighbouring municipalities, and local cultural and economic groups to jointly develop and market local and County identities - e.g. through shared online portals;
 - b) making use of social media and other online methods of promotion;
 - c) mapping cultural points of interest;
 - d) conducting regular public consultation through such exercises as strategic planning and regular updates to this Plan;
 - e) promoting improved telecommunications systems and internet access throughout the municipality;
 - f) encouraging creative, innovative, and knowledge-based jobs and local entrepreneurship;
 - g) promoting increased production and consumption of local food;
 - h) identifying and preserving physical heritage resources; and
 - i) offering financial incentives such as relief from property tax increases as a means of encouraging private investment in preserving physical cultural heritage resources.

12.4 Physical Cultural Heritage

- 12.4.1** Cultural Heritage resources include buildings or structures, either individually or in groups, which are considered by Council to be of architectural and/or historical significance at the community, regional, provincial, or national level. Archaeological and historic sites may also constitute heritage resources.
- 12.4.2** Cultural Heritage resources provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the Municipality. These cultural heritage resources, both individually and collectively, contribute to the identity of the Municipality. They also assist in instilling civic pride, benefiting the local economy by attracting visitors, and favourably influencing the decisions of those contemplating new investment or residence in the Municipality.
- 12.4.3** Cultural Heritage resources may be threatened by neglect, obsolescence, redevelopment, and the lack of financial means necessary for protection or rehabilitation. The policies of this Plan, in conjunction with the provisions of the Ontario Heritage Act, provide the framework for the protection and enhancement of the Municipality's heritage resources.
- 12.4.4** The Municipality recognizes the importance of its cultural heritage resources. Cultural heritage resources include archaeological resources; buildings and structural remains of historical, architectural and contextual value; and rural, village and urban districts or cultural landscapes of historic interest.
- cultural and built heritage**
- 12.4.5** The Municipality will seek to conserve cultural heritage landscapes and built heritage resources when making development and infrastructure decisions which may affect those resources. As well, the Ontario Heritage Act may be utilized 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.
- incorporation of heritage structures**
- 12.4.6** The Municipality will encourage proponents to incorporate heritage structures in new development or redevelopment. Where feasible, proponents will be encouraged to incorporate design elements in new development that link developments with existing heritage structures.
- archaeological surveys**
- 12.4.7** The Municipality will require the completion of archaeological surveys for development proposed in areas where such features are believed to exist and require the excavation of these sites and/or where suitable, the preservation of significant sites.

12.4.8 The Municipality may seek to protect significant archaeological resources through the zoning By-law provisions set out in the Planning Act.

12.5 Oil Heritage Conservation District

In accordance with the requirements of Part V of the Ontario Heritage Act, and of Section 12 of this Plan, the Municipality shall implement an Oil Heritage Conservation District Plan that affects properties defined as such on Schedule "A" to the Official Plan. The properties shown within Schedule "A" shall be subject to the policies of the District Plan, as amended from time to time, as well as the land use designations shown on Schedule "A" to this Plan.

13 Amenity and Design

buffering and screening

13.1 In order to minimize the negative effects of conflicting land uses and forms of development, buffering and/or screening will be provided in all areas and for all uses wherever such conflicts may be created.

13.2 The Municipality's Zoning By-law, site plan agreements and other special agreements will control and/or guide new development and will ensure that adequate buffering and/or screening is provided wherever required.

noxious uses

13.3 All land uses and transportation facilities that may be noxious due to noise, visual characteristics, vibration, dust or odours will be physically separated from Residential Areas wherever possible. The Municipality will be satisfied that, prior to approving any development that may be incompatible with adjacent uses, appropriate steps have been or will be taken to reduce any land use conflicts to a tolerable level, or to eliminate them entirely.

13.4 The developer will provide buffering and/or screening where a new Residential area is developed adjacent to any other land use designation except for Open Space Areas and Hazard and Environmental Protection Areas.

13.5 The provision of buffering and/or screening may include any combination of the following:

- a) The separation of uses and/or buildings by means of greater-than-normal setbacks;
- b) Restrictions on outside storage of goods, materials or equipment;
- c) Restrictions on parking facilities;

- d) Restrictions on loading facilities in industrial or commercial areas;
- e) Restrictions on the location and type of outdoor lighting equipment, including the direction of illumination;
- f) The installation of fences, walls and earth berms to create a visual barrier; and
- g) Vegetative screens and other forms of landscaping.

medium and high density residential

- 13.6** The design and siting of high-density residential development will minimize potential negative effects on all other types of dwellings.

noise guidelines

- 13.7** The appropriate Provincial noise guideline standards will be maintained for all new development within or adjacent to Residential Areas or residential uses.

14 Built Form

high quality design

- 14.1** The Municipality will encourage the highest quality in design and amenity to be incorporated into the design plans in all land use designations:
- a) Parking areas, loading areas and waste disposal storage areas should be screened from adjacent public roads by buildings and landscaping;
 - b) Landscaped strips should be installed around the entire periphery of the property, except for entrances, exits and interconnections with adjacent properties for pedestrians and vehicles;
 - c) Parking areas should be paved, curbed and landscaped to an acceptable standard;
 - d) The exterior facade of buildings exposed to abutting public roads should be designed to complement the existing streetscape;
 - e) Exterior signs should be uniform in appearance, in terms of location, size, shape, materials and colours to encourage design quality; and
 - f) Off-street interconnections for pedestrians and vehicles between existing and proposed development will be encouraged.

active and healthy communities

- 14.2** The Municipality will encourage land use patterns, facilities, and infrastructure that support a multi-modal transportation system supporting active transportation and physical activity. This could include sidewalks, trails, pedestrian lighting, and resting locations. Infrastructure should be accessible with the provision of curb cuts and ramps.

built form OPA No. 1

- 14.3** When making land use decisions, when assessing development proposals, and when planning infrastructure and public spaces, the Township will promote a built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

15 Energy Conservation**subdivision design**

- 15.1** The Municipality will encourage energy conservation measures to be incorporated into the design of development. Such measures, as the solar orientation of new lots will be encouraged.

municipal conservation/energy management plan

- 15.2** The Municipality will develop a municipal conservation/energy demand management plan consistent with Ontario Regulation 397 of 2011.

16 Community Improvement Policies

- 16.1** The entire Official Plan, deals with various aspects of community improvement, however, the policies of this section are designed to assist the Municipality in the identification and prioritization of Community Improvement Areas and Projects, subject to available resources.
- 16.2** The entire Municipality will be designated as a Community Improvement Area. Within the Municipality individual Community Improvement Project Areas may be identified and prioritized. Criteria for selecting and designating these project areas are outlined.

16.3 Objectives

The objectives in this section address the general aims of this Plan, as well as specific aspects of community improvement. It is the objective of this section to outline a basis for selecting and defining community improvement areas.

general objectives

- 16.3.1** For all areas, it is the intent of the Municipality:
- a) to contribute to an enhanced sense of community in the Municipality;
 - b) to upgrade and improve municipal infrastructure where it is deficient;
 - c) to enhance social and recreational facilities;

- d) to aid in fulfilling the potential of commercial districts in the Municipality;
- e) to enhance the economic potential of the Municipality in order to foster employment generating activity;
- f) to promote the redevelopment, reuse, and (if applicable) clean-up of underused, vacant, and/or potentially contaminated sites; and
- g) to promote the development and marketing of a cultural identity as described in Part D Section 12 to this Plan.

objectives for residential areas

16.3.2 In residential areas the Municipality intends:

- a) to maintain and rehabilitate older neighbourhoods;
- b) to upgrade and enhance hard municipal services in older neighbourhoods;
- c) to provide for the special housing needs of senior citizens, low income families, and persons with disabilities; and
- d) to provide improved neighbourhood and residentially oriented recreational facilities.

objectives for commercial districts

16.3.3 In commercial areas the Municipality intends:

- a) to enhance their role as community centres;
- b) to encourage redevelopment, intensification and revitalization;
- c) to upgrade and improve municipal infrastructure where deficient;
- d) to enhance the commercial streetscape for improved aesthetics, commercial attractiveness, and to foster and improve pedestrian circulation systems;
- e) to foster links to areas of recreational and community activities;
- f) to foster better organization and availability of municipal or shared parking areas;
- g) to encourage appropriate forms of residential development; and
- h) to eliminate land use conflicts.

objectives for industrial and service commercial areas

16.3.4 In industrial and service commercial areas the Municipality intends:

- a) to encourage appropriate development and redevelopment to facilitate economic activity;
- b) to eliminate land use conflicts; and
- c) to upgrade access and servicing to industrial lands where deficient.

vacant, underused, and potentially contaminated lands

16.3.5 The redevelopment and reuse of vacant or underused lands, including contaminated or potentially contaminated lands, is encouraged in order to make use of existing

land supply and infrastructure, and reduce the need for expansion of the built environment and construction of new infrastructure and other municipal services.

- 16.3.6** An inventory of known vacant, underused, contaminated, and potentially contaminated sites should be maintained including a list of current conditions and options for redevelopment. Both private and public sector remediation and redevelopment efforts and participation in Federal and Provincial financing assistance programs are encouraged on such sites. The Township will consider designating such sites as part of a Community Improvement Plan and will consider the feasibility of providing public funds, grants, or loans or implementing incentive programs such as the Tax Assistance or Brownfield Financial Tax Incentive Programs.

16.4 Community Improvement Criteria

In order to achieve the objectives previously listed, a set of criteria for choosing community improvement projects and delineating potential community improvement project areas follow.

general criteria

- 16.4.1** The following are considered to be candidates for community improvement projects:

- a) areas where land use conflicts exist;
- b) areas which require upgrading or replacement of road surfaces, sewer or water systems, storm water management systems, street lighting or sidewalks;
- c) areas where social or recreational facilities are deficient;
- d) areas where environmental or natural heritage preservation and conservation are deficient;
- e) areas where housing stock quality and/or quantity is in decline; or
- f) areas of population or economic decline.

criteria for residential project areas

- 16.4.2** In addition to the General Criteria the following criteria should be utilized to define a Residential Project Area:

- a) areas of older housing stock in need of renovation or redevelopment;
- b) areas where special housing needs can be provided or accommodated; or
- c) areas where neighbourhood and other residentially oriented social and recreational facilities are deficient.

criteria for commercial districts

16.4.3 In addition to the General Criteria the following criteria should be utilized to define a Commercial Project Area:

- a) areas where an active Business Improvement Association is operating;
- b) areas where streetscape improvements are needed;
- c) areas where the provision or improvement of links, particularly pedestrian linkages, to areas of recreational and community activities; is feasible;
- d) areas of under-utilized commercial buildings;
- e) areas where specific works are required to facilitate desired redevelopment;
or
- f) areas where land use conflict exist.

criteria for industrial areas

16.4.4 In addition to the General Criteria the following criteria should be utilized to define an Industrial Project Area:

- a) areas where land use conflicts exist;
- b) areas where property access is poor;
- c) areas where storm water management system is deficient; or
- d) areas where access, or sewer and/or water system improvements are needed.

16.5 Potential Public Land Acquisition

16.5.1 The Municipality for community improvement purposes may acquire the following lands:

- a) lands for neighbourhood, community parks, or environmental protection areas;
- b) lands needed for purposes of facilitating commercial land assembly, or to provide links and connections to public open space; or
- c) residential lots in an industrial designation to facilitate industrial land assembly.

16.5.2 Actual acquisition will depend on financial resources, and whether circumstances warrant acquisition when it is specifically considered. This policy does not represent a commitment to acquire the lands so mentioned, nor does it limit the ability of the Municipality to acquire lands in other locations for community improvement or other purposes.

16.6 Implementation

The following policies outline various methods of implementing the Community Improvement Policies.

16.6.1 Community Improvement Project Area

16.6.1.1 Pursuant to the Planning Act, the Municipality may designate by By-law the whole or any part of an area delineated as a potential Community Improvement Area as a Community Improvement Project Area for the purpose of preparing a Community Improvement Plan.

16.6.1.2 The Municipality may acquire and hold land within the Community Improvement Project Area and clear, grade, or otherwise prepare the land for community improvement.

16.6.1.3 Once a Community Improvement Plan has been prepared, the Municipality may construct, repair, rehabilitate or improve buildings on land acquired or held by it in the Community Improvement Project Area in conformity with the Community Improvement Plan, and sell, lease or otherwise dispose of land acquired or held by the Municipality in the Community Improvement Project Area to any persons or governmental agency for use in conformity with the Community Improvement Plan.

16.6.1.4 For the purpose of carrying out the Community Improvement Plan, the Municipality may make grants or loans to property owners within the Community Improvement Project Area to pay for the whole or part of the cost of rehabilitating their properties in conformity with the Community Improvement Plan.

16.6.2 Joint Studies and Development

Pursuant to the Planning Act, the Municipality may enter into agreements with any governmental authority or agency, or with one or more other municipalities for the carrying out of studies and the preparation and implementation of plans and programmes for the development or improvement of the Municipality. Any agreement other than an agreement with one or more municipalities requires Ministry of Municipal Affairs approval.

16.6.3 Property Standards By-law

16.6.3.1 In order to ensure the proper repair and maintenance of buildings in the Municipality, the Council may adopt a By-law pursuant to the Building Code Act, for the following:

- a) for prescribing standards for maintenance and occupancy of property within the Municipality and for prohibiting the occupancy or use of such property that does not conform to the standards prescribed;
- b) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition; and
- c) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to the property standards By-law.

16.6.3.2 The Municipality may, by By-law, provide for the making of grants or loans to property owners to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands required to bring a property into conformity with the property standards By-law.

16.6.4 Demolition Control Areas

In order to encourage the preservation of historic and/or architecturally significant buildings, the Municipality may pass a By-law to designate any area within the Municipality to which a Property Standards By-law applies as an area of demolition control. Thereafter, no person shall demolish the whole or any part of any residential property in such area unless a demolition permit is issued by Council.

16.6.5 Cultural and Natural Heritage

16.6.5.1 As outlined in the Culture and Heritage policies of this Plan and in addition to the other measures described in this Plan, the Municipality may make use of programs under the Ontario Heritage Act to support the preservation of historic buildings.

16.6.5.2 In addition to the other measures described in this Plan, the Municipality may make use of and work with the various programs from senior government to support the preservation and conservation of natural heritage. Programs administered by the Provincial or Federal government will be considered.

16.6.6 Bonus Zoning Provisions

In order to provide some flexibility in the provision of the Zoning By-law which implements this Official Plan, and thus help implement the policies of this section, the Municipality may pass a By-law pursuant to the Planning Act, to authorize increases in the height and density of permitted development in return for such facilities, services or matters as set out in the By-law.

16.6.7 Co-operation with Community Groups

- 16.6.7.1** Local service clubs and organizations can be of great assistance in providing or assisting to provide needed or desired community facilities. Council will actively co-operate with groups seeking to provide such facilities, and will ensure that appropriate recognition is provided.
- 16.6.7.2** Examples of such facilities that have been provided by such groups in the Municipality and elsewhere include neighbourhood and community parks, street furniture in commercial areas, library quarters, fire halls, and monuments.
- 16.6.7.3** Of equal importance are efforts made to organize special events, fall fairs, festivals and promotions.

16.6.8 Use of Public Funding Programmes

The Municipality may make use of Federal and Provincial cost-sharing; funding or incentive programmes in order to achieve desired community improvements.

17 Signs

In order to help promote a high standard of design, to help protect the amenity of the Municipality, and to help avoid unsafe conditions for motorists, the Municipality may prohibit or regulate signs and other advertising devices under a By-law passed pursuant to the Municipal Act.

18 Home Businesses

- 18.1** Home businesses, including home occupations, home industries and bed & breakfast establishments, have and will continue to emerge as alternate employment sources as a result of changing technological, demographic and economic conditions. They are recognized as a valuable component of the economy provided that environmental and natural resources, including agricultural lands, are not threatened. The residential and/or agricultural character and function of the lot and surrounding land use activities must not be impaired by activities related to any home business.
- 18.2** Home businesses will be encouraged in order to promote improved employment opportunities; reduced employer/employee costs related to transportation, office costs, clothing and child care expenses; more efficiencies of land, housing and transportation resources; incubators for small businesses which are significant creators of new jobs; enhancement of tourism; and improved access to services.

- 18.3** The Municipality encourages home businesses in urban and rural areas. The Municipality will incorporate provisions into the comprehensive Zoning By-Law to permit home businesses and will distinguish between rural and urban home businesses with respect to performance standards. Performance standards will address issues related to maximum allowable floor space, control of emissions including noise, outside storage, signage and parking.
- 18.4** Farm based home businesses tend to be more industrial in nature and are often related to farm operations. They are important sources of supplemental income in the Agricultural Area.
- 18.5** Home occupations will be responsible for ensuring they operate in a manner that does not change the residential or agricultural character of their properties or compromise the character or amenity of their neighbourhoods and shall be responsible for ensuring compliance with the Zoning By-law.
- 18.6** Detached buildings in residential areas shall be kept to appropriate forms and sizes as a means of discouraging inappropriate home occupations. Forms and sizes that are more than required for typical residential needs or could support overly intensive uses will be limited. Appropriate size limits shall be set in the Zoning By-law.
- 18.7** Home occupations that are appropriate and meet the intent of these policies should not generate complaints. Home occupations that meet the intent of this Plan, although not complying with one or more zoning provisions, will generally be granted minor variances.
- 18.8** Temporary use by-laws may be permitted to allow a trial or incubation period provided it would not result in the erection of buildings that would be inappropriate on a residential lot in the long-term. Where a home occupation has grown to a size or nature requiring a location in a commercial or industrial area a temporary use by-laws may be used to provide a business a reasonable length of time to allow relocation.
- 18.9** The intent of the policies of this Plan with respect to home and value added businesses shall be used as a guide where the Zoning By-law requires interpretation with respect to its home occupation provisions.

19 Local Economic Incubation

- 19.1** As a smaller, primarily rural community, the majority of local businesses are expected to be those created by local entrepreneurs as opposed to businesses locating from outside the area.

- 19.2** The Township will seek to foster local entrepreneurship and home occupations while protecting the character and amenity of residential and agricultural areas and avoiding land use conflicts.
- 19.3** Creative, innovative, and knowledge-based jobs and local entrepreneurship are encouraged. Businesses are encouraged to focus on niche markets that promote arts and culture and build on the goods, services, community character, identity, amenities, and resources unique to the area. Businesses are encouraged to work in co-ordination with other businesses to establish and promote a common community branding and sense of place.
- 19.4** When dealing with small and/or incubating businesses and entrepreneurs, the Township will be conscious of the prohibitive nature of certain development and site development costs. The Township will seek site development standards that address environmental, community character, engineering and other land use concerns while being conscious of costs to the property owner.
- 19.5** The Township will seek to provide appropriate designated areas for the relocation of home businesses that have grown to a size that is no longer appropriate for the location or designation in which they are located.

sustainable food system

- 19.6** Production of a greater variety of food locally has potential to create economic growth in both the agricultural and tourism sectors. A greater variety of food produced locally means less reliance on imported food and greater economic activity retained locally. Celebrating locally produced food also contributes to community pride and cultural identity. This Plan supports:
- a) improved linkages between local producers and major consumers like restaurants, nursing homes, hospitals, and grocery stores,
 - b) the establishment of a local food hub for the collection and distribution of locally produced food,
 - c) cooperation with other communities' food hubs to acquire foods not produced locally and to distribute local produce to other communities,
 - d) production of a greater variety of locally produced foods,
 - e) marketing of unique local foods, producers, and processors aimed at increased consumption of local foods and the creation of tourism attractions,
 - f) increased local processing and packaging facilities, and
 - g) local farmer's markets, farm-gate sales, and farm tours.

20 Compatibility Criteria

The terms “compatible” or “compatibility” have been used in association with new in relation to existing development. The following policies are provided in order to give general guidance on what constitutes a consideration in establishing compatibility, while maintaining enough flexibility to accommodate efficient as well as good, and in some cases, innovative development.

general

- 20.1** New development, redevelopment, infilling, special residential and non-residential land uses should be compatible with the established character of the area in which they are proposed.

criteria

- 20.2** In assessing the compatibility of a proposal with the area in which it is proposed, the following criteria should be reviewed to determine whether the proposal will:
- a) Disrupt the established uses on adjacent sites or surrounding areas;
 - b) Create disruptive visual impressions which negatively affect the urban quality of the area, or,
 - c) Generate activity, noise or traffic levels which put undue pressure on the area and its infrastructure and other support facilities.

physical character

- 20.3** Development in Residential areas will respect the established physical character of those areas, although it should be noted that the term “respect” does not necessarily mean “be the same as”. When assessing development proposals, particular regard will be had for the following:
- a) Size and configuration of lots;
 - b) Heights, massing, scale and dwelling type of nearby properties;
 - c) Predominant building types in the area;
 - d) Setbacks of buildings from streets and lot lines;
 - e) Any landscape or building features that contribute to a unique character in the area; and
 - f) Impacts on designated heritage buildings, districts or other features which have been designated under the provisions of the Ontario Heritage Act.

mitigation measures

- 20.4** This Plan recognizes that compatibility between new and existing development may be enhanced through the use of various measures such as the provision of buffers, landscaping, site design, building arrangements on a site and building design. Where there are concerns regarding the compatibility of new development with an

existing area, the use of these measures will be explored with the proponent, and some or all may be employed and implemented through tools such as site plan or subdivision approval.

21 Affordable Housing

- 21.1** The Township acknowledges the importance of secure long term housing as a foundation for quality of life providing a location to raise children, gather equity, and plan for the future. Further, the Township acknowledges the provision of affordable housing as an important component of community development and endorses the County of Lambton Affordable Housing Strategy.
- 21.2** Affordable housing means housing for which the annual accommodation cost or rent does not exceed 30 percent of gross household income, for which the purchase price is 10 percent or more below market value, or for which rent is at or below average market rent.
- 21.3** Efforts should be made to encourage the provision of affordable housing in the Municipality, where practical. In this regard, the Municipality will assist the private sector by:
- a) permitting a broad mix and range of lot and dwelling sizes and types and of tenure choices;
 - b) where appropriate, permitting second accessory dwelling units in residential units or buildings accessory to a dwelling and permitting apartments within non-residential buildings;
 - b) requiring their location and integration with the existing population rather than segregation or concentration with other affordable housing units;
 - c) encouraging residential intensification, infill development, and redevelopment and conversion of surplus non-residential buildings to residential use, where practical;
 - d) discouraging the demolition of surplus farm dwellings and encouraging their maintenance as rental units; and
 - c) adopting alternative development standards where deemed appropriate by the Municipality.
- 21.4** Affordable housing and apartment units should be constructed with site layout and accessibility standards that take into consideration the potential needs of intended and future residents, including persons with disabilities.

Part E Implementation

Section 22	Official Plan Reviews & Amendments
Section 23	Zoning By-laws
Section 24	Existing, Non-Complying & Non-Conforming Uses
Section 25	Site Plan Control
Section 26	Committee of Adjustment
Section 27	Land Division
Section 28	Special Studies
Section 29	Capital Works
Section 30	Financial Restrictions
Section 31	Interpretation

22 Official Plan Review and Amendments

- 22.1** In accordance with the Planning Act, a special meeting of Council, open to the public, will be held at least once every five years for the purpose of determining the need for a comprehensive review of policies and land use designations of this Plan, to ensure that it accurately reflects the changing needs and circumstances in the Municipality.
- 22.2** Amendments to this Plan may be proposed from time to time. Council will consider such amendments provided that:
- a) the original intent and purpose of the Plan is not radically altered;
 - b) the amendment is needed and can be justified in light of accepted planning principles; and
 - c) adequate and full participation of the general public in the deliberations on the merits of the amendment is undertaken.
- 22.3** In order to inform and obtain the views of the public in respect of any proposed amendments or revisions to this Plan, the Township will at minimum:
- a) Make adequate information and material available to the public at the Municipal office and any public meeting or open house, including at minimum a copy of the proposed amendments or revisions,
 - b) Hold at least one public meeting before Council at which the public may make representation in respect of the proposed amendments or revisions,
 - c) Hold at least one open house, in the case of a comprehensive review of the Plan under Section 26 of the *Planning Act*,
 - d) If the amendment or revision relates to a specific property or area, post on site a notice of any public meeting or open house, provide direct notice to any person who has specifically asked in writing for notice, and provide direct notice to owners of property within 120 metres of the lands, and
 - e) If the amendment or revision applies to a broad area or the entirety of the Municipality or is of broader significance, advertise any public meeting or open house in the local newspaper.

Where the Township feels the situation warrants, it may expand the notification area, provide notification or information by such additional means as considered appropriate, provide alternate means for the public to submit input, or host such additional public gatherings as considered appropriate. **OPA No. 1**

23 Zoning By-Laws

- 23.1** The Zoning By-law is the major legal document that implements the policies of the Official Plan by regulating the use, location, density and design of development in the Municipality. All lawfully existing uses that comply with the provisions of this Plan may be recognized in the implementing Zoning By-law.
- 23.2** The land use and development policies of this Plan will be implemented for the most part by a Zoning By-law.
- 23.2.1** In order to inform and obtain the views of the public in respect of any proposed Zoning By-laws or amendments, the Township will at minimum:
- a) Make adequate information and material available to the public at the Municipal office and any public meeting or open house, including at minimum a copy of the proposed by-law or amendments,
 - b) Hold at least one public meeting before Council at which the public may make representation in respect of the proposed by-law or amendments,
 - c) Hold at least one open house, in the case of a review of the by-law pursuant to Section 26(9) of the *Planning Act*,
 - d) If the amendment or revision relates to a specific property or area, post a notice of any public meeting or open house on site, provide direct notice to any person who has specifically asked in writing for notice, and provide direct notice to owners of property within 120 metres of the lands, and
 - e) If the amendment or revision applies to a broad area or the entirety of the Municipality or is of broader significance, advertise any public meeting or open house in the local newspaper.

Where the Township feels the situation warrants, it may expand the notification area, provide notification or information by such additional means as considered appropriate, provide alternate means for the public to submit input, or host such additional public gatherings as considered appropriate. **OPA No. 1**

23.3 Holding Zones

- 23.3.1** Council may place certain lands in a holding ('H' or 'h') zone in conjunction with any zoning category under the Planning Act. This procedure will enable the Municipality to phase the actual development of these lands until such time as the lands are required for the proposed use. During "holding periods" necessary concept plans,

subdivision plans or development agreements may be prepared and/or plans for municipal services, roads and community facilities may be created.

23.3.2 The holding ('H' or 'h') symbol will be removed by By-law passed pursuant to the Planning Act. Although notice will be given by Council when a holding symbol is to be removed, there can be no objection or referral to the Ontario Municipal Board. However, should Council refuse to pass an amending By-law to remove the holding symbol if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner.

23.3.3 Until the holding ('H' or 'h') symbol is removed, the implementing Zoning By-law will permit existing uses, buildings and structures, in the interim period.

23.4 Temporary Use By-laws

The Council may, in a By-law passed pursuant to the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by the By-law. As these uses will be temporary, such uses do not have to be limited to uses that conform to the Official Plan. A By-law authorizing a temporary use will define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-law (ten years in the case of garden suites). These time periods may be extended (by By-law) for additional three-year terms. The temporary use will not become a legal non-conforming use at the date of expiry of the By-law. The types of uses envisaged by Council as using a temporary use By-law include, but are not limited to parking lots, fairs, carnivals, ploughing matches, art-in-the-park sales, or temporary use of a mobile home as a dwelling unit.

23.5 Interim Control By-laws

In accordance with the Planning Act, where the Council has by By-law or resolution directed that a review or study be undertaken with respect to land use planning policies in the Municipality, or any defined area or areas thereof, the Council may pass an Interim Control By-law to be in effect for a period of time specified in the By-law (less than one year) prohibiting the use of land, buildings or structures for, or except for such purposes as set out in the By-law. Upon expiry, the period of time during which the Interim Control By-law will remain in effect may be extended to a maximum of two years from the date of initial passing of the By-law. If Council has not passed a By-law under the Planning Act based on the study within the period of time specified in the Interim Control By-law, the provisions of any By-law passed under the Planning Act, that applied to the subject lands immediately prior to the coming into force of the Interim Control By-law will again come into force, upon final

expiry. Where an Interim Control By-law ceases to be in effect, the Council may not for a period of three years pass a further Interim Control By-law that applied to any land to which the original Interim Control By-law applied.

23.6 Bonus Zoning

- 23.6.1** In order to implement some of the policies of this Plan, the Council may pass a By-law pursuant to the Planning Act, authorizing increases in height and/or density for development permitted by this Plan, as an incentive to encourage landowners to provide specific amenities. This type of By-law is referred to as a "Bonus Zoning" By-law.
- 23.6.2** The Municipality may make use of bonus zoning to authorize increases in height and/or density of development beyond that permitted by the implementing comprehensive Zoning By-law in return for the provision of such facilities, services or matters that would comply with the general intent of this Plan. These could include:
- a) preservation of heritage buildings and features;
 - b) provision of a community centre or other community/cultural facilities;
 - c) provision of additional parking spaces beyond the requirements of the Zoning By-law that may be located on the site or on adjacent lands;
 - d) provision of additional open space beyond any conveyances under the Planning Act;
 - e) provision of additional road or servicing improvements;
 - f) preservation of woodlots or environmentally significant/sensitive areas which would not be accepted as parkland dedication; or
 - g) provision of a wide range of housing types including assisted housing or other low-income housing types.
- 23.6.3** The Bonus Zoning provisions of this Plan may be implemented by the Council through a By-law passed under the authority of the Planning Act, which constitutes the enabling legislation.
- 23.6.4** The By-law will identify areas where the bonus provisions would apply, and will:
- a) contain detailed development standards that would apply when the bonus is awarded. If the bonus were not awarded, the standards of the basic zoning category assigned to the site would apply;
 - b) specify the bonus standard's relationship to the required conditions in order for these bonus standards to apply to the site;
 - c) specify the amount by which the height and/or density of the development would be increased in exchange for certain facilities, services or matters;
 - d) specify the matters to be addressed within the agreement. The reference in the By-law will not make the bonus awarded conditional on entering into the

- agreement. It should be clear that as part of the bonus being awarded and the standards applying, the agreement will be entered into; and
- e) be written in such a way as to ensure that discretion cannot be applied. If the conditions to be met and bonus to be awarded are all agreed to and set out in an agreement, a further rezoning should not be necessary.

- 23.6.5** In all cases, the increase would be based on a site-specific review, taking into account, location, surrounding land uses and design considerations, and in each instance the standards proposed must comply with the policies of this Plan. Bonusing By-laws will only apply to lands where full municipal servicing is available.

24 Existing, Non-Complying and Non-Conforming Uses

24.1 Existing Uses

Uses that are in existence on the date of the adoption of this Plan by Council may be recognized in the implementing Zoning By-law only on the same lot or parcel of land on which they were situated on the said date provided Council is convinced such uses do not impose adverse effects on neighbouring properties.

24.2 Non-Complying Uses

- 24.2.1** In some cases a land use may be recognized as a permitted use under the implementing Zoning By-law but may be non-complying with respect to various regulations of the By-law. This can be the result of a change in the standards of the Municipality.
- 24.2.2** In such cases, the Zoning By-law may allow for additions to non-complying buildings or structures and erection of buildings and structures accessory to a non-complying building or structure, provided that the provisions of the Zoning By-law are not further contravened. A further contravention means the making of an addition to an existing non-complying building or structure, any part of which addition does not comply with the required setbacks or any other provision of the Zoning By-law.

24.3 Non-Conforming Uses

continuation of use

- 24.3.1** Nothing in this Plan will adversely affect the continuation of a use that was legally established as of the date of adoption of this Plan. Any land use existing as of the date of adoption of this Plan that does not conform with the land use designations as shown on Schedule "A" to this Plan or the policies related thereto should, as a general rule, cease to exist over the long term and will not be recognized as a permitted use in the implementing Zoning By-law.

24.3.2 Uses that are not permitted in the Zoning By-law have the right to continue indefinitely provided that the use of the property remains the same as on the day the By-law was passed and continues to be used for that purpose.

extensions or enlargements

24.3.3 In special instances, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship.

conditions

24.3.4 In considering applications to permit an extension or enlargement of a non-conforming use, Council will have regard to the following matters:

- a) the land use designations and policies of this Plan;
- b) the feasibility of acquiring the property pursuant to the Planning Act;
- c) the possibility of relocating the use;
- d) the impact of the proposal on the immediate area;
- e) the size of the enlarged operation related to the existing use;
- f) the degree to which any objectionable features of the use may be increased by the proposal;
- g) the possibilities of reducing the objectionable features through landscaping, buffering, etc.;
- h) the adequacy and availability of municipal services;
- i) the impact of the proposal on environmental functions, features and linkages;
- j) the effect of existing environmental hazards;
- k) the adequacy and availability of sanitary sewage, storm water and water services.
- l) the extent to which the nature of the operation may change: and
- m) whether the extension would only alleviate hardship and allow the use to continue as before or whether the extension would potentially perpetuate its use indefinitely.

replacement or repair

24.3.5 Non-conforming uses which have been destroyed or partially destroyed by an act of God such as fire, winds, and so on, may be replaced or repaired. However, prior to granting permission to repair or replace a non-conforming use in order to minimize the detrimental effects of the non-conforming use, the Municipality should be satisfied that:

- a) the size of the building or structure to be replaced is the same size as the building or structure destroyed;
- b) if the site of the non-conforming building or structure is in contravention to one or more provisions of the Zoning By-law, then it shall be a policy of this Plan to encourage the building or structure to be replaced in compliance with the

- provisions of the Zoning By-law to the extent possible, and in no case shall it further contravene the provisions of the said By-law;
- c) where the non-conforming use is located in an area designated as a site plan control area pursuant to the Planning Act, the Site Plan Control policies of this Plan will apply;
 - d) the possibility of reducing any objectionable features through landscaping and buffering should be encouraged;
 - e) the use cannot be relocated;
 - f) it is not feasible to acquire the property pursuant to the Planning Act; and
 - g) sanitary sewage, storm water and water services are adequate.

25 Site Plan Control

25.1 Establishment of Site Plan Control Area

25.1.1 Pursuant to the Planning Act, all lands within the Municipality are designated as a proposed site plan control area.

25.1.2 The Council may, by By-law, designate the whole or any part of the Municipality as a site plan control area, either geographically or by reference to one or more zones contained in the implementing Zoning By-law. Low-density residential development and agricultural buildings and structures are not normally subject to site plan control unless specifically indicated in the implementing Site Plan Control By-law.

25.2 Approval of Plans or Drawings

25.2.1 No person will undertake any development in an area designated as a site plan control area unless Council has approved one or both, as Council may determine, of the following:

- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under this section; and
- b) drawings showing plan, elevation and cross-section views for each building to be erected, and displaying:
 - i) the massing and conceptual design of the proposed buildings;
 - ii) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - iii) the provisions of interior walkways, stairs, elevators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

25.2.2 The Municipality will work with the County to develop Site Plan guidelines that can be used by development proponents when preparing their site plans and by the Municipality when reviewing site plans.

25.2.3 Conditions to Approval of Plans

As a condition to the approval of the plans and drawings referred to in Section 25.2, the Municipality may require the owner of the land to:

- a) provide to the satisfaction of and at no expense to the Municipality any or all of the following:
 - i) widening of highways that abut on the land subject to the Planning Act. Widening will be in accordance with the Transportation policies of this Plan;
 - ii) facilities to provide access and curbing and traffic direction signs, subject to the Public Transportation and Highway Improvement Act;
 - iii) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iv) walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
 - v) facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon;
 - vi) walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - viii) easements conveyed to the Municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Municipality or local board thereof on the land;
 - ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
 - x) facilities, designs, and/or layouts to make buildings and sites accessible for persons with disabilities and to remove barriers consistent with provincial accessibility standards;
 - xi) building, site layout, and landscaping designs and facilities that promote energy efficiency;
 - xii) building, site layout, and landscaping designs and facilities that implement principles of "Crime Prevention through Environmental Design (CPTED)" to reduce potential crime and safety hazards; and

- xiii) building, site layout, and landscaping designs and facilities that promote physical activity and the use of active transportation such as bicycles;
- b) maintain to the satisfaction of the Municipality and at the sole risk and expense of the owner any or all of the facilities or works set out in Section 25.2.3 a) ii) to xiii), inclusive, including the removal of snow from access ramps and driveways, parking and loading areas and walkways; and
- c) enter into one or more agreements with the Municipality dealing with and ensuring the provision and maintenance of any or all of the facilities, works or matters set out in this subsection, or with the provision and approval of the plans and drawings referred to in Section 25.2. Such agreements may be registered against the land to which they apply.

25.3 Indoor Cannabis Cultivation Facilities (OPA No. 4 OLT-23-001182)

Site Plan Approval will be required for all proposed indoor cannabis cultivation facilities that may be permitted in accordance with Policies in Section 2.31 and Section 4.4.8 of this Plan to the maximum extent afforded under the *Planning Act*, in order to proactively mitigate adverse effects where possible and to maximize compatibility with land uses in the area. Implementation of the site plan measures may be monitored by a Monitoring Advisory Committee, to ensure the control measures are constructed and operated in accordance with the Site Plan Approval and building permits and to provide advice to Council on strategies to mitigate against adverse land use impacts from cannabis cultivation facilities.

Any construction, addition, or building permits for a building or structure associated with an existing or proposed indoor cannabis cultivation facility is subject to the Ontario Building Code and will require the submission of Mechanical and Electrical Design Specifications and Drawings for review prior to the issuance of a building permit. These specifications and drawings include those associated with air/odour filtration systems and equipment for light pollution mitigation. Final as-built drawings will also be required.

26 Committee of Adjustment

26.1 Powers of Committee

26.1.1 The Committee of Adjustment, pursuant to the Planning Act, has the power to:

- a) authorize a minor variance from the provisions of the Zoning By-law or an Interim Control By-law in respect of land, buildings or structures on the land or the use of the land;
- b) permit the enlargement or extension of a non- conforming building or structure and/or a change in use of land, building or structure from one non-conforming use to another;
- c) permit the use of land, buildings or structures for any purpose that in the opinion of the committee conforms with the uses permitted and defined in general terms in the By-law; or
- d) authorize a minor variance from the provisions of any By-law that implements this Plan in respect of land, buildings or structures on the land or the use of land, provided that the committee has been empowered to do so by municipal By-law.

26.1.2 It should be noted that the Committee of Adjustment has no power to permit the enlargement or extension of lands that are used for a non-conforming purpose, nor does it have the power to permit the erection of a new building or structure. The authority to authorize the extension or enlargement of lands that are used for a non-conforming purpose rests with Council, pursuant to the Planning Act. In this regard the relevant policies of this Plan regarding Non-Conforming Uses shall apply.

26.2 Guidelines for Committee of Adjustment Approvals

26.2.1 Minor Variance

When dealing with an application for minor variance, the Committee must consider the following matters and refer to them in its decision:

- a) is the requested variance minor;
- b) is the general intent and purpose of the Official Plan maintained;
- c) is the general intent and purpose of the Zoning By-law (or other By-law which implements this Plan) maintained; and
- d) is the minor variance desirable for the appropriate development or use of the land, building or structure.

26.2.2 Permission Regarding Non-Conforming Use

When dealing with an application for permission to enlarge or expand a non-conforming use, the Committee will consider the following matters:

- a) has the non-conforming use continued from the date of passing of the Zoning By-law to the date of application to the Committee;
- b) was the non-conforming use legally established under the laws in force at that time;
- c) would any enlarged buildings or structures be used for the same purpose as the original buildings or structures were used on the day the By-law was passed;
- d) would any change of use be similar to the previous use or be more compatible with the uses permitted by the By-law;
- e) would the intent and purpose of this Plan be affected in any way;
- f) what impact would the proposal have on the neighbourhood;
- g) how does the size of the enlarged use compare with the existing use;
- h) to what degree would any objectionable feature of the use be increased by the proposal;
- i) is there a possibility of reducing the objectionable features through landscaping or buffering;
- j) are the required municipal services available and adequate;
- k) the adequacy and availability of sanitary sewage, storm water and water services.
- l) the extent to which the nature of the operation may change: and,
- m) whether the extension would only alleviate hardship and allow the use to continue as before or whether the extension would potentially perpetuate its use indefinitely.

26.2.3 Permission Regarding Use

When dealing with an application for permission regarding a use defined in general terms, the Committee must consider the following matters:

- a) is the general intent and purpose of the Official Plan maintained; and
- b) does the proposed use conform to the uses permitted in the Zoning By-law.

26.2.4 Certificate of Validation

26.2.4.1 Past errors in the registration of instruments at the Land Registry Office may have constituted contraventions of Section 50 of the Planning Act. Such errors may come to light from time to time and create a cloud on title for one or more parcels of land.

26.2.4.2 Pursuant to Section 57 of the Planning Act, R.S.O. 1990, upon application by any person with an interest in the matter, the Committee of Adjustment may issue a Certification of Validation, which will have the effect of correcting past errors and clearing title. The process has no notification requirements and is not subject to appeal.

26.2.4.3 The Committee shall pass a motion directing the Secretary-Treasurer of the Committee to issue a certificate where all of the following criteria are met:

- a) the certificate conforms with this Plan, the Official Plan of the County of Lambton, the zoning by-law, and any Minister's Zoning order issued under Section 47(1)(a) of the Planning Act;
- b) the Committee has regard to the matters described under Section 51(24) of the Planning Act;
- c) the Committee imposes a condition requiring the applicant to pay a fee sufficient to cover the Township's costs of administration and registration of the certificate; and
- d) such matters as the Committee or Township may deem appropriate.

27 Land Division

27.1 General

27.1.1 The creation of new lots will only be permitted when they conform to the policies of this Plan and the regulations of the Zoning By-law.

27.1.2 In addition to those criteria contained in Section 51 (24) of the Planning Act, the following policies will apply to all new lots:

- a) The size of any lot created must be appropriate for the proposed use having regard to the topography of the land, the siting of proposed buildings, and points of access;
- b) The lot must front onto and have direct access to an improved public roadway that is maintained on a year round basis and is of a standard of construction adequate to accommodate the additional traffic generated;
- c) Severances will not be granted where access to the lot will create a traffic hazard because of limited sight lines or proximity to an intersection;
- d) Severances may be granted to adjust lot boundaries or to increase the size of existing substandard lots, provided that no new undersized lot is created;
- e) The severance must not result in landlocked parcels;
- f) The soil conditions must be appropriate for the services proposed, and all private water supply and/or sewage disposal must meet the requirements of the Province, the County, and the Municipality;
- g) The creation of a lot in an area susceptible to defined portions of the flooding and erosion hazard, including the floodway and areas rendered inaccessible to people and vehicles, is prohibited. The creation of a lot in a natural heritage or environmental constraint area will not be permitted unless it can be demonstrated that the hazard can be safely addressed in accordance with established standards and procedures, and/or it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area has been identified;
- h) Where development is permitted by infilling, 'Infilling' means the creation of one additional lot between two existing developed lots, which are situated on the same side of the road and are not more than 100 metres apart;
- i) Where development is permitted by minor expansion of the built-up area, 'Minor Expansion' means an expansion of the built-up area, which does not result in significant increases in the existing density of development; and
- j) New lots that result in or extend ribbon development along roads where services and/or existing development do not exist will not be permitted.

27.1.3 Recognizing that the County of Lambton oversees the application, notification, and approval processes for applications for approval of plans of subdivision, in order to inform and obtain the views of the public in respect of an application of approval for a plan of subdivision, the Township will:

- a) Make adequate information and material available to the public at the Municipal office and any public meeting, including at minimum a copy of the application and draft plan of subdivision, and

- b) Have the County Approval Authority host at least one public meeting before Township Council, at which the public may make representation in respect of the proposed plan of subdivision.

Where the Township feels the situation warrants, it may provide notification or information in addition to that provided by the County by such means as considered appropriate, provide alternate means for the public to submit input, or host such additional public gatherings as considered appropriate. **OPA No. 1**

27.1.4 In order to inform and obtain the views of the public in respect of an application for consent, the Township will at minimum:

- a) Make adequate information and material available to the public at the Municipal office and any public meeting, including at minimum a copy of the application for consent,
- b) Hold at least one public meeting before Council, or a committee of Council, at which the public may make representation in respect of the proposed consent, and
- c) Post on site a notice of any application for consent and public meeting date, provide direct notice to any person who has specifically asked in writing for notice, and provide direct notice to owners of property within 60 metres of the lands.

Where the Township feels the application is of broader significance or otherwise warrants, it may provide notice in the local newspaper, expand the notification area, provide notification by such additional means as considered appropriate, or provide alternate means for the public to submit input. **OPA No. 1**

27.2 Multiple Consents

In some cases multiple lot severances may be more appropriate than proceeding through a plan of subdivision (e.g. where all proposed lots front onto an existing road, or where only minor extension of services is required). In order to ensure that the multiple severance process does not circumvent proper planning procedures and principles the following policies are applicable.

authority

27.2.1 The Municipality may require a plan of subdivision as opposed to multiple severances. The number of lots shall generally be limited to three; however, the Municipality will determine whether the proposal should proceed through a plan of subdivision.

services

- 27.2.2** Applications for multiple severances will only be considered where full municipal sewage and water supply are readily available with uncommitted reserve capacity.

designations

- 27.2.3** Lands to which the multiple severances apply must already be designated for the proposed use. Where an Official Plan amendment is required, the amendment must be approved prior to a decision on the related severance application(s).

severance agreement

- 27.2.4** Every lot shall be subject to a comprehensive severance agreement entered into with the Municipality. This agreement would be similar to a subdivision agreement and will ensure provision of services to municipal standards.

27.3 Plans of Subdivision

- 27.3.1** A Plan of Subdivision will generally be required where more than three lots are to be created where new or extended services such as roads, water and sewers are required to service the property, or where there is potential for further lot creation from the same holding. In evaluating subdivision proposals the Municipality will be guided by the provisions of Section 51(24) of the Planning Act and the policies of this Plan, including the following.

timing

- 27.3.2** The Municipality must be satisfied that the proposed plan of subdivision is not premature by examining such factors as expected population growth, the number of undeveloped and draft approved lots in the community, and the capacities of the servicing systems.

appropriateness of development

- 27.3.3** The proposed development must be appropriate for the area in terms of housing type, lot size, density of development, and design of development.

access

- 27.3.3.1** Development through plan of subdivision must not have the effect of land locking any undeveloped lands adjacent to the site.
- 27.3.3.2** Where necessary, the development pattern of the subdivision will make provision for access to adjacent undeveloped lands.
- 27.3.3.3** Every lot within a plan of subdivision must have frontage on a public road, open and maintained year round, and of an acceptable standard of construction.

27.3.3.4 With the exception of small developments, individual lots should have access to internal roads, which in turn intersect with an existing public road. Direct access from individual lots to major traffic thoroughfares will be discouraged.

servicing

27.3.4.1 Proposed plans of subdivision must be provided with adequate services.

27.3.4.2 New plans of subdivision must not require any extensions to existing municipal services, which would result in an undue cost to the Municipality. Where the servicing of new development requires extensions and/or improvements to municipal services, such services will be financed and constructed by the developer before being turned over to the Municipality.

character of the site

27.3.5 The physical character of the site, including topography, soil types, drainage and hazard potential must be appropriate for the type of development proposed.

design

27.3.6.1 Consideration will be given to lot layout, lot sizes, road patterns, energy efficiency, location and provision of open space, and location and provision of community facilities when assessing the design of a plan of subdivision.

27.3.6.2 The physical patterns of the plan of subdivision should be generally compatible with the design of existing development on adjacent lands. New development should be orderly and contiguous to existing development and the design should facilitate future extensions to the urban area. In general, road patterns should provide for public safety and emergency access.

27.4 Plans of Condominium

The policies of this Plan for plans of subdivision will apply to proposed Plans of Condominium submitted under the Condominium Act, with the exception that lots and/or units may front on an internal private road shown on the Plan of Condominium.

27.5 Oil Heritage Conservation District

27.5.1 Notwithstanding the policies of this section, the creation of new lots for properties identified as being within the "Oil Heritage Conservation District" on Schedule "A" is discouraged to preserve the historic lot fabric identified within the Oil Heritage Conservation District Plan.

- 27.5.2** Consents may be granted for the purposes of long-term lease agreements for petroleum works.

28 Special Studies

28.1 General

Despite the policies of this Plan, Council recognizes and accepts its responsibility to carry out special studies of the Municipality as the need arises. Such studies will be aimed at developing implementable policies for Council and/or other government bodies to follow. Where necessary, amendments to this Plan will be undertaken as a result of these studies.

28.2 Submission Requirements

- 28.2.1** Where an application is submitted under the Planning Act for an amendment to this Plan or the Zoning By-law, for a minor variance or permission, or for a consent or plan of subdivision or condominium approval, or any other approval required, the applicant will be responsible for the completion and submission of such of the following information or materials as deemed necessary by the Municipality:

natural heritage

- a) An environmental impact statement where development would encroach on or is adjacent to and could potentially disrupt or negatively impact natural areas, features, or functions.
- b) Forest management or tree preservation plans where site development or lot creation is permitted within forested areas.

land use compatibility

- c) Noise and/or vibration studies where development is proposed in proximity to high traffic roads or major points of noise emissions.
- d) Noise, odour, dust and/or vibration assessments where development with potentially significant emissions are proposed in proximity to residential or other sensitive uses.
- e) Environmental screening reports or other generic evaluations for developments subject to an environmental evaluation under the Environmental Protection Act or other legislation.

economic

- f) A business plan and/or marketing study showing the viability of a proposed new land use or business, e.g., a residential needs justification study.

- g) An economic impact study of the effects of a new business or loss of a business or industry on the local economy, labour force and/or housing market.
- h) Employment lands needs study where lands are proposed to be removed from a commercial or industrial designation.
- i) Conceptual development and servicing plans and an economic viability assessment where proposed development would leave remnant parcels with marginal economic incentives for development.
- j) Studies on the impacts to key local commercial and retail areas where new or expanded commercial areas or uses are proposed.

natural or man-made hazards

- k) Flood line mapping, where development is located within areas where no engineered flood line exists.
- l) Slope stability, geotechnical and/or erosion rate studies where development is proposed near the top-of-bank of a major watercourse or significant slope.
- m) An environmental assessment and/or record of site conditions where development is proposed within 500m of a closed or active land fill site or for a change to a "more sensitive" land use on a property known or suspected to have had past uses that may have left contaminants.

resources

- n) Operation and rehabilitation plans where a new extractive use is proposed.
- o) An aggregate impact assessment, where a proposed land use may limit access to aggregate deposits, to determine the viability of aggregate extraction.
- p) An agricultural impact study quantifying impacts to local agricultural operations and loss of agricultural resources and revenues to the local economy.

engineering

- q) Sewer capacity studies, where sewers exist and where new designations or proposed increases in density are proposed.
- r) A conceptual stormwater management report or explanation for why one is not required as part of a plan of subdivision or condominium application.
- s) Conceptual servicing plans in support of a draft plan of subdivision, condominium or site plan application.
- t) A lot grading plan where site grades may have an impact on site or plan layout or servicing.
- u) A stormwater management report or explanation for why one is not required as part of a site plan application.
- v) Servicing capacity studies for proposed land uses with high volume water use.

- w) Engineering studies to explore the potential to oversize services or facilities to accommodate future development on abutting lands and the consolidation of infrastructure.

character & cultural heritage

- x) A visual impact assessment where increases in height or density or very prominent land uses are proposed.
- y) Landscape or streetscape plans by or prepared in consultation with a professional landscape or urban designer for the submission of a site plan or plan of condominium.
- z) A heritage impact study for new development in or in proximity to districts or properties designated under the Ontario Heritage Act.
- aa) An archaeological assessment where a proposed plan of subdivision is located in an area with known archaeological sites or potential for archaeological resources are per Ministry criteria.

traffic/parking

- ab) A traffic impact study, in connection with site plan approval, lot creation or land use designation changes, where new road access points or increased traffic volumes may create visibility or traffic congestions concerns.
- ac) A parking study, where a proposed land use proposes to provide fewer parking spaces than required in the Zoning By-law or may significantly alter the existing supply and/or demand for private and/or public parking spaces.
- ad) Transportation feasibility study to determine if the standards of roads and/or necessary modes of transportation required for a proposed land use exist.

miscellaneous

- ae) Other information or materials as specified elsewhere in this Plan.
- af) Such other information or materials as the Township or its delegates, at their discretion, reasonable feel is pertinent in assessing an application for an approval under the Planning Act.
- ag) Hydrogeological or soils studies where communal or private sewage treatment facilities are proposed.

28.2.2 Applicants shall consult with staff and, if necessary, Council to determine which information and materials are necessary in support of an application. Additional information or materials may be required as determined through review of the application and/or the public consultation process, and the Township may withhold a decision pending such information.

28.2.3 Applications for Official Plan or Zoning By-law amendment and applications under Section 51 of the Planning Act, in particular, will be deemed to have been submitted

only upon receipt of all required submissions. Staff shall inform an applicant when their application is deemed complete.

28.2.4 The Township may require that the information be prepared by a person or firm of its choice or be reviewed independently by a third party. Information, including any third party review, shall be provided at the expense of the proponent except where the Township specifically agrees to share costs.

28.2.5 The information and materials listed and the situations in which they are listed as required are not exhaustive. The Township may also determine that a particular study does not need to be submitted as part of an application on a case by case basis.

29 Capital Works

The construction of all public works within the Municipality will be carried out in accordance with this Plan and Community Improvement Plan and within the financial capacity of the Municipality.

30 Financial Restrictions

The ability of the Municipality to finance public services is dependent upon property taxes and related to the type of development that occurs. Future development will be regulated by this Plan to ensure that the level of expenditure and debt, as compared to revenue and equalized assessment is maintained at equitable levels. Council may:

- a) restrict development if the amount of such development causes an imbalance in the assessment ratio; or
- b) delay any proposed development where it becomes necessary to carry out large-scale public works to adequately serve such development.

31 Interpretation

Although this document is a long term comprehensive Official Plan, it is not intended that this Plan be inflexible and rigid in its interpretation. The following guidelines will be used in the interpretation of the policies and Land Use designations.

31.1 Land Use Boundaries

It is intended that the boundaries of the land use designations be considered as approximate unless they are bounded by roads, railways or other physical or geographical barriers. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads provided the general intent of the Plan is preserved.

31.2 Numerical Criteria and Standards

It is intended that all numerical criteria and standards listed in the text will be considered as approximate only and not absolute. The numbers are intended only for the general guidance in the administration of the Plan. Amendments to this Plan will not, therefore, be required for any minor changes from any of the numerical criteria and standards used throughout the text of the Plan.

31.3 Meaning

Where the meaning of any phrasing or any part of any section is unclear, the meaning of such will be determined firstly, within the context of the general policy direction provided by this Plan and secondly according to interpretations that harmonize with the Official Plan of the County of Lambton.

31.4 Lists

Where a policy includes a list of bullet point or numbered items, all text included under a bullet point or number is considered one item even if there are multiple sentences. All items in the list are applicable to the policy whether or not joined by a comma, semicolon, and/or the conjunction "and". In particular, in lists of considerations all items must be considered, and in lists of requirements or conditions all items must be met. However, when the conjunction "or" is used, of the item immediately following and all items preceding the "or" in the list (and not separated by another conjunction, a change in punctuation, or a change in bullet point or number level), only one of the items need apply. Items joined by commas within a list of items joined by semicolons should be regarded as a list within a list, that is, one item within the larger list. Likewise, where multiple conjunctions are used within a list, the items joined by the additional conjunctions should be regarded as one item within the larger list. Exceptions to these interpretive rules shall apply where the policy itself indicates or the context requires otherwise.

31.5 Permitted Uses

The 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, unless the use is specifically prohibited.

31.6 Reference to Acts

31.6.1 In this Plan, any reference to a Provincial or Federal Act of the legislature refers to the Acts as amended from time to time, any successors to these Acts and the latest decennial revisions.

31.6.2 Any reference to specific public agencies or bodies includes their successors in responsibility for those matters mentioned.

31.7 Public Information

31.7.1 A public participation program will be undertaken in conjunction with the preparation and review of any Official Plan, Community Improvement Plan or Zoning By-law. The purpose of each program will be to increase public knowledge of the planning process and to provide an opportunity for the public to respond to proposals at a public meeting held by Council or the Planning Committee of Council.

31.7.2 Where a planning proposal or amendment requires changes to more than one document, Council or the Planning Committee of Council may hold a public meeting to consider the proposed changes jointly, and the public notification procedures for such a meeting will be in accordance with provisions set out in this section, and notification may be joint.

31.7.3.1 Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan and Zoning By-law where it is determined by the Clerk or Chief Planning Official that such changes relate to a consolidation of documents, including the following matters:

- a) Deleting obsolete provisions;
- b) Altering the section number and/or the order of any provisions;
- c) Altering language or punctuation to obtain a uniform mode of expression;
- d) Correcting clerical, grammatical or typographical errors that do not change the purpose or effect of any policies or regulations;
- e) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision; and
- f) Change a format.

31.7.3.2 All changes must be adopted by Council in order to take effect.

31.8 Relationship between Policies

All policies of this Plan are intended to be read together to determine the conformity of any matter to this Plan. Individual policies are to be applied and interpreted within the context of the entire Plan.

31.9 Development Approvals

The Municipality shall facilitate and expedite, in conjunction with the County and affected agencies, the development approval process by:

- a) investigating and implementing measures to eliminate duplications, consolidate responses, and reduce time delays;
- b) enforcing reasonable time deadlines;
- c) encouraging proponents of development proposals to consult with staff prior to the submission of applications; and
- d) monitoring approval processes and setting time-frame targets for processing applications.

31.10 Economic Development

31.10.1 The Municipality in co-operation with the County shall monitor the location, type and characteristics of business and the supply of serviced lands for new business. The Municipality may participate in inter-municipal co-operative efforts in connection with the location of new business, recognizing that the economic benefits of new business accrue to the entire County.

31.10.2 The Municipality will support community economic development initiatives.