

**BROOKE  
ALVINSTON**

**OFFICIAL**

**PLAN**

**Lambton County  
Planning & Development  
Department**

**April 2011**

## **OFFICE CONSOLIDATION**

**This consolidation is prepared for purposes of convenience only and for accurate reference recourse should be had to the actual plan and any amendments thereto.**

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## PART A INTRODUCTION

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SECTION 2	Effect of the Plan
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## **INTRODUCTION**

### **1 PURPOSE OF THE PLAN**

The Municipality of Brooke-Alvinston located in eastern Lambton County, is 311 square km in size with a population of 3,000. This rural community is serviced by the urban centers of Alvinston and Inwood.

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

The purpose of these policies is:

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

### **2 EFFECT OF THE PLAN**

The Plan will provide guidance for the development and planning of land uses for a period extending to the year 2030. Except as provided for under the Planning Act, no public work shall be undertaken and no By-law shall be passed for any purpose that does not conform to the Plan.

#### **Review and Amendments to the Plan**

Amendments to this Plan will be made to ensure conformity with the County Official Plan Policies and the Provincial Policy Statements. No amendment will be made to this Plan, which would not be in conformity with the County Official Plan Policies. It is the intention of this Plan that amendments shall only be required when it is deemed desirable to change the policies due to changing economic, social, and environmental circumstances.

### **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.

**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

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**1A**      **RURAL AREA****main permitted uses**

**1A.1**      In the Rural Area the main permitted uses of land are agricultural uses.

Agricultural uses include the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food, or fur, including poultry and fish; aquaculture; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accessory farm dwellings.

**other permitted uses**

**1A.2**      Other uses permitted will include:

- a)      Uses that are secondary to the principal agricultural use of the property, including home occupations, home industries, bed and breakfast establishments, and uses that produce value-added agricultural products from the farm operation on the property;
- b)      Farm related commercial and farm related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation;
- c)      Parks and recreation uses in accordance with policy 1A.18;
- d)      Existing cemeteries and crematoria;
- e)      Fish and game farms;
- f)      Forestry, including sawmills;
- g)      Petroleum resources exploration and extraction facilities;
- h)      Conservation uses; and
- i)      Limited residential uses.

**agricultural uses**

**1A.3**      Agricultural uses will be given the highest priority in the Rural Area. Non-agricultural uses will generally be discouraged in the Rural Area and will be directed to appropriate settlement areas to preserve agricultural land and to avoid conflicts between farm and non-farm land uses.

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**lot size**

- 1A.4** The minimum lot size for agricultural uses will generally be 40 hectares in order to discourage the unwarranted fragmentation of farmland. 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. Existing undersized farm parcels are encouraged to amalgamate with adjoining farmlands, where possible.

The creation of new farm parcels below the minimum lot area required in the Zoning By-law and the further reduction of existing undersized farm parcels will be permitted only in exceptional circumstances.

Notwithstanding further reduction of a farm parcel could be considered to support a lot addition to an undersized residential lot.

Agricultural severances will be maintained along established North-South lot grid patterns.

**right to farm concept**

- 1A.5** In the Rural Area agriculture is the primary long term land use. Other uses, particularly non-farm residential, are attracted to the rural 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.

The main purpose of the Rural 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 Rural Area.

**minimum distance separation**

- 1A.6** New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the Minimum Distance Separation (MDS) formulae as implemented through the Zoning By-Law. The MDS formulae are formulae developed by the Province to separate livestock facilities and other land uses so as to reduce incompatibility concerns about odour from 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.

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Notwithstanding anything to the contrary, when implementing this Section:

- a) New dwellings shall be erected in compliance with MDS I formula with separations measured from the dwelling to the livestock facility.
- b) New non-farm lots shall comply with the MDS I formula with separations being measured from the proposed lot line to the livestock facility. The severance of a farm dwelling onto a non-farm lot is considered a change to a more intrusive use; adequate separation shall be required from livestock facilities already on separate lots.
- c) A minimum separation requirement for non-farm uses may be used in the Zoning provisions in addition to the MDS I formula.
- d) MDS I shall apply to vacant barns if they have been legally used as livestock barns in the past, would not require building permits to be brought back into use, and have not been converted to a different use.
- e) Where a proposed non-farm use is closer to 4 or more non-farm uses than an existing livestock facility and the same livestock facility is closer to each of the same non-farm uses than the proposed non-farm use, MDS I is not applied to that livestock facility.
- f) MDS II shall be measured from the nearest wall of a new or altered livestock facility and the nearest point of an addition for an expanding livestock facility. For residences, whether farm or non-farm, MDS II is measured to the dwelling. For other uses or lands in non-agricultural Zones, the separation is measured to the property or Zone boundary.
- g) when the reduction is not necessary for maintaining the integrity and economic viability of the farming operation; and
- h) when a previous reduction has been granted for the same farming operation.

**agricultural practices**

**1A.7** 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;
- b) re-establishment of natural features;
- c) planting of stabilizing vegetation on creek flats and slopes to minimize erosion and run-off;

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- d) proper construction of drainage tile outlets to minimize erosion along water courses;
  - e) limiting 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.

**new farm lots**

**1A.8** 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;
- c) the size of the severed and retained lots conforms to the requirements of the Zoning By-law;
- d) despite the lot area requirement of Section 1.4 above, land may be severed from a farm parcel for lot addition purposes provided that the retained lot is a minimum of 40 hectares and the severed land is added to an abutting agricultural land holding; and
- e) 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.

**secondary uses**

**1A.9** On-farm economic diversification will be encouraged as a means of contributing to the economy of the Rural Area.

Such uses will be subject to the following policies:

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- a) the use must be clearly secondary to the principle agricultural use of the lot;
  - b) the uses may include home occupations, home industries (including but not limited to auction establishments, agricultural consultants, and agricultural service establishments for the purposes of buying and selling commodities and services that support agricultural uses), bed and breakfast, and uses that produce value-added agricultural products from the farm operation on the property;
  - 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) 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.;
  - e) site plan approval and site plan agreements will be required; and
  - f) the severance of secondary uses from the farm lot will not be permitted.

**agricultural related uses**

**1A.10** Agricultural related commercial and industrial uses necessary in the Rural Area and compatible with agricultural activity are permitted. 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 will be subject to the following policies:

- a) the use is directly related to the agricultural industry and requires a location in close proximity to agricultural activities;
- b) the need and demand for the use at the location proposed can be demonstrated to the satisfaction of the Municipality;
- c) the use is located on the least productive agricultural land, where possible;
- d) 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;
- e) the requirements of the Province, the County, and the Municipality (or its designated agent) regarding water supply and sewage disposal can be met;
- f) a site specific Zoning By-law amendment is obtained;

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- g) the use is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agriculture activities;
  - h) the use does not negatively affect environmental features;
  - i) the use will be compatible with existing development in the area; and
  - j) site plan approval and site plan agreements will be required.

Severances for agricultural-related commercial and industrial uses may be considered where the lot is being severed from an agricultural lot that is 40 hectares in size. Despite this lot area requirement, the lot may be severed from an agricultural lot that is less than 40 hectares provided that the agricultural land is added to an abutting agricultural lot.

**residential uses**

**1A.11** Residential uses permitted are as follows:

- a) New single detached dwellings accessory to agriculture;
- 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 dwelling 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.
- d) In accordance with Provincial policy, no new rural residential lots shall be permitted with the exception that consent may be granted to create a lot having located thereon an existing farm residence that has been rendered

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surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation). Dwellings considered surplus to a farming operation as a result of *farm consolidation* may be severed from the balance of the farm provided the residential dwelling was built prior to January 1, 2000. Such consent shall further be conditional upon the following requirements:

- i) the remnant farm parcel is rezoned or otherwise dealt with to ensure that the erection of a new dwelling is prohibited;
  - ii) the proposed non-farm single-detached dwelling lot meets the requirements and reasonable use criteria of the Province, the County, and the Municipality regarding water supply and sewage disposal;
  - iii) the owner proposing to sever a dwelling as surplus is able to display that he is unable to make use of the dwelling for farm help, family or otherwise, and that the dwelling has not become surplus as the result of the recent erection of a farm residence;
  - iv) one non-farm residential lot may be severed from a farm lot, provided no other non-farm residential lots have been severed from that lot as it existed on January 1, 1971;
  - v) the proposed non-farm single-detached dwelling is located in compliance with the Minimum Distance Separation formulae;
  - vi) the residential lot does not include any existing livestock buildings;
  - vii) 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;
  - viii) the retained farm parcel shall generally be a minimum of 38 Ha; and the severed lot size does not generally exceed 0.8 hectares, unless necessitated by current or future private septic disposal needs.
- e) A second dwelling accessory to agriculture is generally prohibited but may be permitted through a temporary use by-law provided:
- i) the second dwelling is required for a family member of retirement age or requiring individual care or;
  - ii) it is reasonably necessary to the convenience of the operation of the farm for farm help to live in close proximity to the farmstead and there are no other farms under the control of the farm operation on which the dwelling could be erected, and;



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- iii) the second dwelling is located with the existing farm cluster in a location not further impacting livestock facilities on separate properties in terms of MDS requirements;
  - iv) an agreement is entered into with the Municipality regarding the intended occupants and providing for the second dwelling's eventual removal;
  - v) extension of the temporary use is not be granted once the initial intended use has ceased, and;
  - vi) the subsequent severance of such dwellings shall be prohibited.

In very limited circumstances, a permanent amendment may be considered, subject to subsections ii, iii, and vi), where the need for a second dwelling would continue indefinitely, due to the nature of the farm operation.

Permitted residential uses may include accessory uses, including home occupations and bed and breakfast establishments. All accessory uses including home occupations, home industries and bed and breakfast establishments must be clearly secondary to the principle 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 maximum floor areas, signage, parking, outside storage, etc.

**non-farm lot size**

- 1A.12** 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.

Lot boundary adjustments for undersized residential lots shall not result in lot sizes greater than 0.8ha except where necessitated by the requirements or reasonable use criteria of the Province, County, Health Unit and Municipality regarding water supply and sewage disposal.

**agricultural industry and rural character**

- 1A.13** The maintenance of the agricultural industry in the Rural Area and the preservation of the rural characteristics of the area will be encouraged. The preservation and reuse of existing livestock buildings and other farm buildings is also encouraged where doing so would not have undue impacts on environmental features or neighbouring uses.

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While the preservation and reestablishment of small-scale, diversified, family farm operations is encouraged, the Municipality recognizes the changing economics and character of the agricultural industry and such development in the industry as is necessary for its ongoing competitiveness and viability.

**transportation and utility corridors**

- 1A.14** 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 possible 'easements' should be used to accommodate new utility corridors rather than create separate and distinct lots.

**woodlots**

- 1A.15** It is the policy of the Municipality that development in wooded parts of the Rural Area, including all major woodlots, be discouraged. Land severances for non-farm related uses and amendments to the Zoning By-law to permit non-farm uses will generally not be allowed.

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 Preservation By-law that regulates the cutting of certain trees and woodlots.

This Plan encourages reforestation and conservation of woodlots.

**petroleum related facilities**

- 1A.16** 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. 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.

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 rural consent policies**

- 1A.17** Land severances in the Rural 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.
- 1A.18** Recreational and open space uses may be permitted in the Agricultural area provided that:
- a) there is justification provided for the use;
  - b) the proposed location is suitable for the use and there are no reasonable alternative locations available that would be more appropriate;
  - c) Class 1 to 3 soils are avoided, where possible;
  - d) where it is necessary to use Class 1 to 3 soils, the least productive agricultural lands should be used;
  - e) the use will have a minimal negative impact on farming activities and will be subject to the natural heritage policies of this plan;
  - f) an adequate potable water supply and sewage disposal system can be provided; and
  - g) the lands are designated in the official plan and zoned for the proposed use.

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**1B RESTRICTED RURAL AREA**

In addition to the policies contained in Section 1A, the following policies shall apply in the Restricted Rural Area.

**permitted uses**

- 1B.1** Agricultural activities, which may include one accessory dwelling, shall be the predominant use in the designation.
- 1B.2** Existing livestock operations shall be recognized as a permitted use, however, no new livestock operation shall be permitted. Improvements to or expansions of existing livestock operations will be permitted in cases where the Minimum Distance Separation requirements can be met.
- 1B.3** Uses accessory to the production of agricultural products grown on the premises (such as produce stands) may be permitted.
- 1B.4** Forestry, open space, conservation and recreational uses may be permitted uses. Any new open space and recreational uses which could remove land from agricultural production will only be permitted through an amendment to this plan, which would require, among other things, adequate justification for such use. In the area designated Restricted Rural Area east of County Road No. 79, south of Shiloh Line, and west of River Street, recreational uses may be permitted without the need for an amendment to this plan.
- 1B.5** Existing non-farm single detached dwellings are permitted.
- 1B.6** 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, provided Minimum Distance Separation requirements can be met, are permitted.
- 1B.7** Permitted residential uses may include accessory uses, including home occupations and bed and breakfast establishments.

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## **2**      **RESIDENTIAL**

The policies of this section are intended to apply to lands designated in a Residential category, (primarily in Alvinston).

### **2.1**      **Permitted Uses**

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. Mobile home parks are permitted subject to policy 2.2.1 respecting mobile home parks.

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.

**2.1.1**      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, duplexes, and triplexes, including building conversions to such uses.

**2.1.2**      Other residential uses permitted within Residential Areas are as follows:

- a)      Medium-density attached dwellings up to a maximum density of 35 units per residential hectare (14 units per residential acre);
- b)      High density multiple family dwellings up to a maximum density of 100 units per residential hectare (40 units per residential acre);
- c)      Special residential uses such as group homes and senior citizens' accommodation.

**2.1.3**      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; and
- c)      Professional Offices, Home Occupations, and Bed & Breakfast Establishments that constitute subordinate uses within dwellings.

**2.1.4** 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.

**2.1.5 Former Alvinston School, Plan 2, Lot 4 to Lot 9, B Con**

Limited commercial uses will be permitted on the South half of the former alvinston school site described as designation on lands described as PLAN 2 LOT 4 TO LOT 9, CON B as set out in the Zoning By-law. Only those commercial uses where impacts to abutting residential uses will be minimal or will be reasonably mitigated will be permitted. Site Plan control and other appropriate means, where available, will be used to mitigate impacts to preserve the privacy and amenity of nearby residential uses. **(OPA #1)**

**2.2 Policies**

**2.2.1** 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, permitting rooming, boarding and lodging houses, 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.
- f) Compliance with the Amenity and Design policies of this Plan.

**2.2.2** 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.

**2.2.3** 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

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encouraged if such redevelopment is compatible with the existing physical character and pattern of surrounding development.

- 2.2.4** The design of roads in new subdivisions and/or areas subject to severances will be carried out so as to permit development of landlocked parcels in existing developed areas wherever possible. Access roads to such parcels will be dedicated as public rights-of-way.
- 2.2.5** In approving new residential development, the Municipality will take into consideration an appropriate mix of housing types for low income, medium income and upper tier income households according to substantiated need and demand for the Municipality as a whole.
- 2.2.6** Housing for senior citizens should be located in proximity to community services and facilities.
- 2.2.7** 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.
- 2.2.8** 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.
- 2.2.9** The Municipality will encourage innovative housing designs particularly those which offer energy efficiency, reduced municipal expenditures or lower costs to purchasers.

**phasing**

- 2.2.10** Residential development will be phased contingent upon the availability of servicing infrastructure.

**buffering from agricultural lands**

- 2.2.11** 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.

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**programs**

- 2.2.12** 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**

- 2.2.13** 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**

- 2.2.14** 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.

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**

- 2.2.15** 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



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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**

- 2.2.16** Development of high density dwellings such as apartments will be considered in accordance with the policies of this Plan.

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.

All applications for new high density residential development will be subject to Site Plan Control.

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;

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- 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.

### **2.2.17 special residential uses**

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. Special Residential uses will be subject to 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.

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

The Special Residential uses to be permitted, and minimum separation distances between existing and/or proposed Special Residential uses, will be established in the municipal Zoning By-law.

### **2.2.18 Compatibility guidelines for residential areas**

Throughout this section and elsewhere in this Plan, the terms “compatible”, “compatibility” or similar terms have been used in association with new development, redevelopment, infilling, special residential and non-residential land uses in the Residential land use designation. To assist in assessing those types of proposals, the following policies are provided in order to give general guidance on what constitutes compatibility, while maintaining enough flexibility to accommodate good, and in some cases, innovative development in the Residential areas.

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**general**

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**

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:

- Disrupt the established uses on adjacent sites or surrounding areas;
- Create disruptive visual impressions which negatively affect the urban quality of the area, or;
- Generate activity, noise or traffic levels which put undue pressure on the area and its infrastructure and other support facilities.

**physical character**

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:

- Size and configuration of lots;
- Heights, massing, scale and dwelling type of nearby properties;
- Predominant building types in the area;
- Setbacks of buildings from streets and lot lines;
- Any landscape or building features that contribute to a unique character in the area; and
- Impacts on designated heritage buildings, districts or other features which have been designated under the provisions of the Ontario Heritage Act.

**mitigation measures**

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 approval.

### **2.2.18 Former waste disposal site - Alvinston**

Prior to any residential development being undertaken on or in the vicinity of the lands shown on Schedule "A - Part 2" of this Plan as being a former waste disposal site, the Township must be satisfied regarding the safety and suitability of the site for the proposed use. In that regard, the proponent will be required to conduct soil testing and investigations at its own expense to determine the presence of methane gas and/or leachate and to ensure that the soil will support the proposed structures without subsidence or settling. The Township will consult with the Ministry of the Environment and Energy or its designated agent prior to issuing any approvals or permits for development.

This policy shall be implemented through the use of a holding zone in the implementing zoning by-law.

## **2.3 Policies for Non-Residential Uses**

### **2.3.1 PROFESSIONAL OFFICES**

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.

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

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

#### **development guidelines**

**2.3.1.3** 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.

### **2.3.2 HOME OCCUPATIONS**

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 conflict 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**

- 2.3.2.1** A home occupation will be clearly secondary to the residential use, and must be contained entirely within the residential unit.

#### **non resident employees**

- 2.3.2.2** 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**

- 2.3.2.3** 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**

- 2.3.2.4** No outdoor storage of materials or goods used by or produced by a home occupation will be permitted.

#### **sale of goods**

- 2.3.2.5** 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**

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

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**limitations on occupations**

- 2.3.2.7** No use that includes the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, or metal fabrication will be considered to be a home occupation.

**signs**

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

**use of machinery**

- 2.3.2.9** 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, dust, other particulate, heat, odour, refuse, lighting or other emission.

**nuisance**

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

**municipal servicing**

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

**2.3.3 BED AND BREAKFAST ESTABLISHMENTS**

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.

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
- g) guests will not be permitted.
- h) The site area is sufficient to provide for off-street parking and buffering from abutting residential uses.
- i) Adequate servicing.

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### **3 COMMERCIAL**

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

#### **3.1 Central Commercial Area**

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**

- 3.1.1** 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.

##### **6505 James Street, Inwood (OPA No. 2)**

An Agricultural Processing Establishment, Agricultural Service Establishment and Agricultural Supply Establishment, as defined by the Municipality of Brooke-Alvinston Zoning By-law, are permitted uses on lands described as Concession 5, Part Lot 4. The subject lands are located at the southeast corner of Inwood Road and James Street in the settlement of Inwood and are known municipally as 6505 James Street.

##### **secondary uses**

- 3.1.2** Secondary uses shall include residential uses.

##### **dwelling units**

- 3.1.3** 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.



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**studies**

- 3.1.4** 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
  - e) The provision of adequate and accessible off-street parking.

**compatibility**

- 3.1.5** 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**

- 3.1.6** 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.

**3.2 Highway Commercial Area****permitted uses**

- 3.2.1** 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.

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;

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- 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.

### **3.3 Site Design Policies**

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

**3.3.1** 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.

**3.3.2** 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.

**3.3.3** 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 INDUSTRIAL**

### **4.1 Light Industrial Area**

#### **permitted uses**

- 4.1.1** 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**

- 4.1.2** 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**

- 4.1.3** 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.

Parks and public open space uses are also permitted.

#### **location of accessory and complementary uses**

- 4.1.4** 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**

- 4.1.5** 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**

- 4.1.6** 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.

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**existing residential uses**

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

**residential uses attached to permitted uses**

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

**4.2 Site Design Policies**

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

- 4.2.1** 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.

- 4.2.2** 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.

- 4.2.3** 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

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## 5 **MIXED COMMERCIAL / INDUSTRIAL AREA**

### **commercial development**

- 5.1** 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**

- 5.2** Permitted industrial uses include a range of light industrial and farm related industrial uses. Examples of these include livestock and poultry processing establishments, bulk fuel depots, grain and seed storage facilities, feed mills, and grain drying facilities.

### **development policies**

- 5.3** a) Access

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.

- b) Suitability

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

- c) Site Plan Control

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.

- d) Zoning

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.

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## **6 INSTITUTIONAL AREAS**

**permitted in all designations**

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

**new institutional uses**

**6.2** 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.

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## **7 OPEN SPACE AREAS**

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.

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

### **7.1 General Policies**

**permitted in all designations**

**7.1.1** Public open space uses are permitted in all designations.

**interconnected systems**

**7.1.2** 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.

**parkland dedications**

**7.1.3** Public open space may be acquired through the dedication of lands or the payment of funds pursuant to the provisions of the Planning Act; in which case it will be provided in accordance with the following policies:

- a) As a condition of residential development or redevelopment conveyance of land to the Municipality for park purposes will be required at a rate of 5 per cent of the land proposed for development or 1 hectare for each 300 dwelling units proposed or, cash in lieu thereof;
- b) As a condition of industrial and commercial development or redevelopment, the conveyance of land to the Municipality for park purposes will be required at a rate of 2 per cent of the land proposed for the development to the Municipality for park purposes, or cash in lieu thereof.



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**cash-in-lieu of parkland**

- 7.1.4** 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.

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**

- 7.1.5** 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.

- 7.1.6** 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**

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

**agreements**

- 7.1.8** 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**

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

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## 8 **NATURAL HERITAGE**

The Municipality contains areas that are subject to flooding and/or subject to instability due to erosion and excessive slopes. Development 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 and woodlots) which must be protected with special provisions. Development in these areas will be discouraged. Many of these natural areas are coincident with identified hazard lands. Consequently these policies address both hazard and environmental protection. It must be noted that not all hazard areas contain significant natural areas and not all natural areas contain inherent hazards.

### 8.1 **General Policies**

#### **permitted uses**

- 8.1.1** The use of lands in Hazard and Environmental Protection Areas will be restricted to agriculture (exclusive of any buildings or structures), 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 restricted if located within or adjacent to defined Wetlands, Areas of Natural or Scientific Interest (ANSI's), and Environmentally Sensitive Areas (ESA's), as identified by the Province, the County, the Municipality, or the local Conservation Authority.

#### **floodplain policies**

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

#### **fill**

- 8.1.3** No alteration to a watercourse and no placing or removal of any fill of any kind whether originating on the site or elsewhere shall be permitted in Hazard and Environmental Protection Areas unless such action is approved by the Municipality or, where fill 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**

- 8.1.4** 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. 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

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engineering techniques and resource management practices. In the case of Significant Natural Areas or features, Council will consider the nature and sensitivity of the area or feature and must be satisfied that the impact can be alleviated with consistent with sound resource management practices. In either case, the Municipality will consult with the local Conservation Authority.

**private lands**

**8.1.5** 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 redesignation of lands designated Hazard and Environmental Protection may be approved by Council after taking into account:

- a) the sensitivity of the natural area and/or the existing physical hazards;
- b) the potential negative effects of the redesignation on sensitive areas or the impact of the hazards on the proposed redesignation;
- 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 of an Environmental Evaluation undertaken to assess the potential for development, the potential impacts and mitigation techniques.

**redesignation/purchase**

**8.1.6** There is no public obligation, to redesignate 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**

**8.1.7** 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**

- 8.1.8** 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**

- 8.1.9** 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. Such setbacks will be set out in the implementing Zoning By-law.

**land severances**

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

**environmental evaluations**

- 8.1.11** Prior to any major disturbance, including development, occurring in Significant Natural Areas, the preparation of an environmental evaluation may be required at the discretion of the Municipality, unless a report under the Environmental Assessment Act is prepared for the development.

An environmental evaluation will assess the following:

- a) The sensitivity of the Significant Natural Area or feature that may be impacted by the proposed disturbance;
- b) The degree of impact of the proposed disturbance on the Significant Natural Area; and
- c) The methods proposed to alleviate such impacts.

- 8.1.12** The Municipality may prohibit all development, dumping or removal of fill, alteration to watercourses and natural drainage areas, removal of tree stands and the

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installation of roads and services within Significant Natural Areas without a satisfactory environmental evaluation prepared in accordance with Section 8.1.11.

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.

**designation boundaries approximate**

- 8.1.13** 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**

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

**8.2 Significant Natural Areas**

- 8.2.1** The Municipality will designate Significant Natural Areas as 'Hazard and 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, Significant Portions of the Habitat of Threatened and Endangered Species, Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), Significant Woodlots, significant valley lands, Locally Significant Wetlands, significant wildlife habitat, nature reserves, and fish habitat.

**significant natural areas and environmental evaluations**

- 8.2.2** Development or site alteration is not permitted in Provincially Significant Wetlands or in Significant Portions of the Habitat of Threatened and Endangered Species. Development or site alteration adjacent to these areas, or within or adjacent to Areas of natural and Scientific Interest (ANSIs), may be permitted if it can be demonstrated through an Environmental Evaluation that there will be no negative impact on the natural features or ecological functions for which the area is identified. Development or site alteration within, and any significant development adjacent to, any other Significant Natural Areas must be accompanied by an Environmental Evaluation, as defined in this Plan. The Evaluation will assess the scale of

development, the sensitivity of the feature, and the functions for which the Significant Natural Area was identified.

For the purposes of this Section, “adjacent” means within 120 metres.

**other natural features**

- 8.2.3** It is recognized that there will be natural features, located both within and outside the areas designated as Hazard and Environmental Protection that may be important elements of the Municipality’s natural heritage. 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**

- 8.2.4** 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**

- 8.2.5** Development along watercourses will be planned such that harmful alteration, disruption and destruction of fish habitat is 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.

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**trees**

- 8.2.6** 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**

- 8.2.7** In accordance with the Lambton County Woodlands Preservation By-law, 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.

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 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. 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 Tree Cutting By-law.

**legislative measures**

- 8.2.8** 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**

- 8.2.9** 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. 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 4 hectares, or greater in size.

**natural corridors**

- 8.2.10** 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 Tree Cutting By-law or Tree Saving Plans should maintain and enhance existing corridors where practical.

**8.3 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.

**8.3.1 FLOOD PLAIN POLICIES**

**regulatory flood standard**

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

**one zone concept**

- 8.3.1.2** 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. Under the One Zone Concept, development in the floodplain is rigorously limited.

All buildings and structures will be prohibited except for:

- a) those necessary for flood or erosion control;



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- 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 .

All such development below the regulatory flood line will require a "Fill, Construction and Alteration to Waterways" permit from the local Conservation Authority.

**absence of engineered floodlines**

- 8.3.1.3** 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**

- 8.3.1.4** 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 a permit from the local Conservation Authority.

**8.3.2 UNSTABLE LANDS**

**setbacks from slopes**

- 8.3.2.1** 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**

- 8.3.2.2** 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.
- 8.3.2.3** 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.

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## 9 **RESOURCE EXTRACTIVE**

### **permitted uses**

- 9.1** 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 Rural Area policies contained in this Plan.

### **general policies**

- 9.2** 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.

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

### **wayside pits and asphalt plants**

- 9.3** 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 designated**

- 9.4** Expansion of existing licensed resource extractive operations, or the establishment of new operations, on lands designated Resource Extractive will require an

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amendment to the Zoning By-law. Applications to consider new or expanded resource extractive operations will be considered on the basis of:

- 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 present and projected demand for the products of mineral extraction operations;
- f) The proposed method of operation; and
- g) The adequate rehabilitation of mineral extraction operations sites.

**extractive operations on lands not designated**

**9.5**

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 location, shape, topography, contours, dimensions, area and characteristics of the lands to be used for the new resource extraction operation;
- b) The use of all land, and the location and use of all buildings and structures on the subject lands and within 500 metres (1640 feet) of any of the boundaries of the lands to be used for the resource extraction operation;
- c) The specific location, type, quantity and quality of the mineral resources within the lands to be used for resource extraction purposes;
- d) 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
- e) The ultimate rehabilitation and reuse of the site.

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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**

**9.6** 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 Rural Area policies of this Plan unless designated otherwise by an Amendment to this Plan.

**9.7** 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.

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; or
- b) the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; and
- c) other alternatives have been considered and found unsuitable; and
- d) agricultural rehabilitation in remaining areas will be maximized.

**provincial requirements**

**9.8** 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.

**development agreements**

**9.9** Mineral aggregate resource operations and associated operations may be required to enter into a development agreement with the Municipality. Such an agreement shall include, but not limited to the following: - Access routes to be used and requirements for the improvement and maintenance of access routes:

- Restoring damages,
- Arrangements for adequate screening to provide a visual buffer between the proposed aggregate operation and any road or surrounding sensitive land use. Such screening shall be established effectively prior to operations commence,

- Provision for acceptable discharge and storage practices,
- Issues of public safety, public health and environmental impacts, and
- Other matter as Council may deem necessary and in the public interest.

**zoning**

- 9.10** Aggregate Resource Extraction shall be recognized in the Comprehensive zoning by-law. Any commencements or expansions would require an amendment to the comprehensive zoning by-law and where applicable a license from the Ministry of Natural Resources.

**PART C**  
**MUNICIPAL SERVICES & UTILITIES**

SECTION 1	Transportation
SECTION 2	Public Uses & Utilities
SECTION 3	Municipal Services, Stormwater Management, and Sensitive Uses
SECTION 4	Alternative and Renewable Energy Systems

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## 1 **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.

### 1.1 **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:

Arterial Roads;  
Collector Roads;  
Local Roads.

#### 1.1.1 **Arterial Roads**

##### **function**

- a) 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**

- b) 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**

- c) 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. The minimum right-of-way width on County Roads will be 26 metres (86 feet).

##### **intersection improvements**

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

##### **new intersections**

- e) 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**

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

**high traffic land uses**

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

**trucks**

- h) The movement of truck traffic through the Municipality will be encouraged on Arterial Roads rather than Collector Roads or Local Roads.

### **1.1.2 Collector Roads**

**function**

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

**access**

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

**right-of-way width**

- c) Collector Roads will have a minimum right-of-way width of 20 metres (66 feet) in urban and rural areas.

**intersection improvements**

- d) 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**

- e) 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.

**1.1.3 LOCAL ROADS****function and access**

- a) Local Roads provide unrestricted access from abutting properties to the municipal road system.

**right-of-way width**

- b) 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.

**1.1.4 GENERAL ROAD POLICIES****land acquisition for roads purposes**

- 1.1.4.1 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 widenings 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**

- 1.1.4.2 Road widening, as a condition to the approval of new development, may be required in accordance with the Site Plan Control policies of this Plan.
- 1.1.4.3 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.
- 1.1.4.4 Land will be conveyed at no expense to the Municipality for municipal road widenings 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.

**1.1.4.5** Unequal widenings 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.

**1.1.4.6** 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.

**1.1.4.7** The following policies apply to the use of road allowances.

**municipal services**

a) Services provided by the municipality shall be permitted in all road rights-of-way.

**public utilities**

b) Public 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) of the additional land required to meet the minimum right-of-way standard.

**other public services**

c) Electrical power transmission lines 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 transmission lines and related works is a multi-use easement corridor. Where it is determined (for environmental or other reasons) that a transmission line route 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 transmission line.

**relocation of services**

d) 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 services and utilities to inhabitants of the municipality. Where a road right-of-way is used for any other purpose (such as the provision of other public services or transmission lines), such use shall be at the risk and expense of the proponent. The municipality may direct the location or relocation of any fixture or thing

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(system, transmission line, 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 owner of the thing.

## **1.2 Parking Facilities**

### **minimum standards**

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

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

### **on-street parking discouraged**

- 1.2.2** 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 handicapped**

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

### **parking provided on same lot**

- 1.2.4** 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**

- 1.2.5** 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).
- 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 (eg. shared parking in plazas).

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### **1.3 Pedestrian and Bicycle Traffic**

#### **sidewalks and walkways**

- 1.3.1** Adequate provision will be made for sidewalks and walkways to enhance the convenience and safety of pedestrians and to provide opportunities for healthy active lifestyles.
- 1.3.2** Sidewalks will generally be provided within 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.
- 1.3.3** 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.
- 1.3.4** Pedestrian walkways and sidewalks will be provided within residential subdivisions to minimize walking distances between dwellings and schools, parks, and local commercial uses.
- 1.3.5** Sidewalks will be separated from road pavement in all new residential subdivisions.

#### **bicycle ways**

- 1.3.6** Bicycle ways within parks and between residential areas and schools, parks and commercial facilities will be provided wherever feasible.
- 1.3.7** 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**

- 1.3.8** 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.

### **1.4 Greenway Linkages and Active Lifestyles**

#### **Greenway Strategy**

The Municipality will Facilitate an implementation plan and maintenance of "greenway linkages" that is capable of inter-connecting urban activity with natural features; heritage features; walkways, trails and corridors; community facilities; and other public open space areas. Greenway Linkages can be active or passive open

spaces including recreational facilities, pathways, trails, and other natural or man-made features which can be used to connect open spaces.

Natural Features are to be managed primarily for conservation purposes but can be linked to recreational greenways. Recreational greenways are to be designed for public enjoyment including parks, corridors, and community facilities.

To identify potential greenway linkages the Municipality may implement a Greenway Linkage Strategy plan which would outline:

- A sustainable approach to the development of greenway linkages;
- Linkages to natural features, heritage features, walkways, trails and corridors, community facilities, and other public open space areas;
- Designate bicycle trails, walkways and corridors for interconnecting active and passive recreational activities;
- Maintain the natural landscape on greenway linkages;
- Ensure that parkway and greenway systems do not interfere with habitats;
- Provide an opportunity for public art throughout the Parks and Greenways to help residents identify environmental and heritage features;
- Improve on an active healthy lifestyle for the community;
- Provide opportunities to maximize vegetation and park space;
- Create or promote economic activity;
- Improving health through active living;
- Cleaner air and water;
- Protection from flood damage;
- Enhance cultural awareness and community identity.

#### **Community Benefits of Greenways**

The benefits of greenway linkages to communities all relate to the health, safety, and aesthetic value to the community. Greenways can be a catalyst in revitalizing communities and improving overall quality of life.

#### **site plan approval**

Where site plan approval is required as a condition of any development being undertaken, the proponent may be required to provide on-site elements to promote the use of active transportation. These elements may include, but are not limited to, bicycle racks, benches and similar features."

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## **2 PUBLIC USES AND UTILITIES**

### **2.1 General Policies**

Except as provided for in Section 2.2, 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 electric power transmission 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.

### **2.2 Restrictions on Public Uses**

#### **compatibility with residential areas**

- 2.2.1** In Residential Areas the public services and facilities listed in Section 2.1 will be designed and constructed so that they are compatible with the surrounding residential area.

#### **agricultural land**

- 2.2.2** 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**

- 2.2.3** The public services and facilities listed in Section 2.1 will be prohibited in significant natural areas unless they are authorized under an environmental assessment process, or subject to the Drainage Act.
- 2.2.4** The Municipality will ensure that all municipal services meet the needs of present and future residents and businesses in an efficient, accessible and environmentally sensitive manner.

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## **2.3 Electric Power Facilities**

### **electric power facilities permitted in any designation**

- 2.3.1** All existing electric power facilities and the development of any new electric power facilities 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) will be permitted in any land use designation without an amendment to the Plan provided that such development satisfies the provisions of The Environmental Assessment Act, including regulations made under the Act, and any other relevant statutes. The electric power utility will be required to consult with the Municipality regarding the location of new electric power facilities.

### **other electric facilities**

- 2.3.2** Other electric power facilities including buildings, structures and uses not used directly for the generation and supply of power, will comply with the provisions of this Plan and the Zoning By-law.

- 2.3.3** The above policies do not preclude the Municipality's right to participate in discussions on the location criteria of new electric power facilities.

### **secondary uses**

- 2.3.4** Secondary land uses, which conform to this Plan and the Zoning By-law, will be encouraged on the electric power utility lands where deemed by Council to be compatible with adjacent land uses and by agreement with the electric power utility.

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### **3 MUNICIPAL SERVICES, STORMWATER MANAGEMENT AND SENSITIVE LAND USES**

#### **3.1 Sanitary Sewerage**

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

##### **3.1.1 POLICIES**

###### **municipal service area**

- 3.1.1.1** 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**

- 3.1.1.2** 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.

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

###### **reallocation of capacity**

- 3.1.1.3** 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**

- 3.1.1.4** 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.



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**individual sanitary sewage treatment and disposal systems**

**3.1.1.5** New development, located outside the sewer service area and requiring individual systems, will be permitted if 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 requirements of the Province or its designated agent and be large enough for the type of development proposed and the system(s) to be used;
- b) A Certificate of Approval for an individual sanitary sewage treatment and disposal system is to be obtained; and
- c) The proponent of a development or expansion of any use obtains a Certificate of Approval for the expansion or alteration of an existing sewage system. No redevelopment or expansion should create or aggravate a pollution problem.

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 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 engineers or hydrogeologists with recognized experience in sewage and potable water system designs.

Limited new development within the sewer service area will also be permitted on private sewage disposal systems, provided it is located in an area of the Municipality where private services predominate, and a limited number of undeveloped lots exist.

## **3.2 WATER SERVICE**

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

### **3.2.1 Policies**

#### **municipal service area**

**3.2.1.1** 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**

- 3.2.1.2** 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**

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

**high volume industrial users**

- 3.2.1.4** 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.

**3.3 Storm Water Management**

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.

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.

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.

### 3.3.1 POLICIES

#### retention and detention

**3.3.1.1** 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

**3.3.1.2** 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) 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**

- 3.3.1.3** 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**

- 3.3.1.4** The principles of natural channel design will be utilized in the construction or rehabilitation of drains. This may include 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;
  - d) ponding areas should be incorporated in drains to reduce the speed and volume of flow, to act as settling areas for water borne particulates, to enhance evaporation and to serve as water storage areas.

## **3.4 Land Use Compatibility**

The proposed use of all land in the Municipality must be compatible with adjacent land uses, having regard for the Provincial Land Use and Compatibility 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.

## **3.5 Decommissioning**

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.

### **3.6 Waste Management Systems**

#### **definition**

- 3.6.1** 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**

- 3.6.2** 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. 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 not more than 25 years has lapsed since the land ceased to be so used for waste disposal purposes.

### **3.7 Sewage Lagoons**

#### **buffer**

New residential developments and other sensitive land uses will not be permitted within 100 metres of any existing sewage lagoons within the Municipality or an adjoining Municipality, in order to provide an odour buffer.

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### **3.8 Public Utilities**

#### **underground lines required**

**3.8.1** Underground utilities, including electric power lines and telephone lines, will be required in all new developments within Residential Areas. In other areas underground utilities will be required, where feasible.

**3.8.2** With the approval of the local utility authorities, both public and private, all overhead wiring will be encouraged to be re-installed underground.

#### **multiple uses of rights-of-way**

**3.8.3** The Municipality will encourage the multiple-use of electric power utility rights-of-way to accommodate drainage or service corridors, parking areas, parkland, agricultural operations and natural gas, oil and petrochemical pipelines, in accordance with the land use policies and designations of this Plan.

**3.8.4** Natural gas, oil and petrochemical commercial delivery pipelines will be installed within existing rights-of-way wherever feasible and practical.

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

### **3.9 Telecommunication Towers and protocol**

Limited non-agricultural infrastructure activities are appropriate (e.g. utility or telecommunication towers) in the agriculture designation. The Municipality shall request a public consultation regarding such applications and the zoning by-law may include regulations. The Municipality must be consulted in the process of seeking approval from Industry Canada for the installation.

#### **public consultation**

The Municipality may provide guidance to the Proponent regarding the public consultation process, including Providing direction to the Proponent regarding the format to be used for notices for the open house and a mailing list of parties to be notified. Provide direction respecting an appropriate location for the open house. Typically, the municipal office will be used. Make recommendations based on the public consultation process and discussions with the Proponent.

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## 4 **ALTERNATIVE AND RENEWABLE ENERGY SYSTEMS**

The approval authority for alternative and renewable energy systems, including wind turbines and solar panel projects rests with the Province of Ontario. The municipality encourages the Province to undertake municipal and public consultation prior to approving such projects to ensure matters such as local concerns, land use compatibility and environmental impacts are appropriately addressed.

### 4.1 **General**

- a) Provincial policy promotes alternative and renewable energy systems; there are also challenges to increase alternative and renewable energy reliability and cost-effectiveness.
- b) Wind Energy Conversion systems, commonly known as Wind Turbines, convert wind energy into electricity that can supply the electrical grid or be stored in batteries for use on site. Wind Turbines can range in size from small units with rotor diameters as small as 1m producing a few watts of electricity for use on site to units supplying all of a residence's or business's electricity needs or to commercial units with tower heights and rotor diameters in excess of 100m supplying electricity to hundreds of homes.

#### **land use compatibility**

- c) Alternative and renewable energy projects present unique land use compatibility concerns. Due to their prominence, alternative and renewable energy projects have the potential to significantly impact, even define, the character of a community. Site locations and site layouts must recognize the primary nature of existing land uses within the municipality and must limit impacts to agricultural uses, sensitive neighbouring uses, visual landscape, the natural environment and potential uses on neighbouring properties.

In order to preserve and maintain residential land supply and to prevent land use conflicts and development constraints, alternative and renewable energy projects are strongly discouraged from locating in designated residential areas.

#### **potential local benefits**

- d) The main benefits the Township anticipates from alternative and renewable energy in the Municipality are land rent to farmers from commercial companies, off-set electricity costs for turbine owners, potential for community support from commercial alternative and renewable energy companies, business opportunities for locally formed co-ops, and tax base. Local land owners are encouraged to form co-operatives.

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**alternative and renewable energy – community responsibilities**

- e) As a highly visible land use making use of local wind and solar potential, the municipality expects that developers will be good corporate citizens and create a net benefit in the community such that the presence of alternative and renewable energy projects will generally be viewed as an asset to the community.
- f) The municipality expects the Province, through the renewable energy approval process, to require developers to use the highest level of cooperation, consideration and communication with the Township, host property owners and neighbours in general proximity to an alternative and renewable energy project during all phases of the development and operational process.
- g) The Province is encouraged to require alternative and renewable energy operators to enter into a community commitment agreement with the Township. The Township shall use the received fees pursuant to this agreement for the overall benefit and amenity of community projects and/or services.
- h) In addition, developers should be required to undertake all infrastructure improvements that are necessitated in connection with a project.

**4.1.2 Implementation****consultation**

- a) Prior to implementation of an alternative and renewable energy project, it is encouraged that the Township is consulted in order to identify issues and address local concerns.

**meteorological towers**

- b) Meteorological towers shall be placed in areas where a wind turbine could meet provincial requirements or where tower collapse can occur within property lines.

**4.1.3 Individual Project Assessment**

- a) The Township may develop standard development agreement requirements for the provision of securities in relation to road repairs, site decommissioning, and the provision of such securities as the Township requires from alternative and renewable energy operators for these purposes.



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**alternative and renewable energy project consultation considerations**

- b) In assessing an alternative energy projects, proponents and the Township shall take into consideration:
- i) Potential noise from turbines and also humming of any substations or power lines.
  - ii) Impacts to agriculture including drainage, soil conservation and productivity, number of acres taken out of production, and field fragmentation.
  - iii) Visual impact including lighting, colouring, blade glint, shadow flicker, overshadowing and impacts on natural landscapes and general visual amenity.
  - iv) Location of utility lines and any associated utility buildings, substations, etc, and landscaping and screening of same.
  - v) Impacts to the natural environment including but not limited to migration routes, significant natural areas, new waterway crossings, geotechnical concerns.
  - vi) Whether utilities should be buried or overhead, and impacts on watercourse crossings of utility lines and access roads.
  - vii) Impacts to cultural and built heritage, archaeological resources and recreational areas.
  - viii) Impacts to local infrastructure through delivery, construction and operation of the project.
  - ix) Site safety including falling ice, tower collapse, fencing, guy wires markings and climbing prevention.
  - x) Aircraft safety and impacts to private air strips.
  - xi) Potential electromagnetic interference to communications infrastructure.
  - xii) Other issues that may become apparent with maturation of the wind energy industry.

**Required submissions**

**4.1.4** The Township may request that the Province require a proponent for a commercial alternative and renewable energy project to determine or provide the following for the Township's review:

- a) Copies of any documentation or background studies associated with any Environmental Assessment or Environmental Screening process.

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- b) Such background reports as may be needed to determine potential impacts and possible mitigation measures associated with any of the concerns listed in Section 4.1.3, including but not limited to environmental evaluations, geotechnical studies, visual impact assessments, environmental impact studies, archaeological assessments, environmental screening report, and noise studies.
  - c) An environmental management plan including, in particular, site decommissioning and rehabilitation plans, and such securities and the Township requires from alternative and renewable energy operators for this purpose.
  - d) An emergency response plan, construction plan, icing protocol, dispute resolution protocol, and roads agreement; all to the Township's satisfaction.
  - e) Specifications of products and materials (i.e. make, model, rated output, hub height, rotor diameter, foundation details, noise emission certification, etc.) and ancillary infrastructure.
  - f) Details regarding electric infrastructure including location of utility lines within property, extent of upgrades and/or confirmation of grid capacity.
  - g) Site layout including tower placement, pads for erecting tower, servicing, ground level lighting, fencing, landscaping, storage, access roads, easements, site grading and details regarding same.
  - h) Proposed duration of project.
  - i) The extent of lands where the developer has land options.
  - j) Locations, setbacks, use and heights of all structures, private airstrips and communication and other towers within 500m of the project site.
  - k) Location of natural heritage features including woodlots, surface water, wetlands, and migratory routes.
  - l) For turbines with a total height exceeding 45m, Transport Canada's requirements for lighting, colour and marking prior to turbine erection.
  - m) Conservation Authority approval of any culverts, structures, utilities, placing or removal of fill within areas designated as "Hazard and Environmental Protection".

### **Aesthetic Guidelines**

**4.1.5** The following policies shall be used as general aesthetic guidelines for larger alternative and renewable energy projects, and also to improve public familiarity with alternative and renewable energy:

- a) Alternative and renewable energy proponents shall work to use colours, lighting and design that soften visual impact;

- b) Where lighting or colouring that the Township considers unduly adverse to the visual amenity of the community is required as aircraft safety markings, towers should be prohibited or limited in height;
- c) Open arrays are encouraged rather than densely packed developments;
- d) Wind turbines in a particular area should all have similar rotor diameters, have similar blade, tower and nacelle shapes, have the same number of blades, rotate in the same direction and be either all up-wind or all-down-wind models;
- e) Tower heights in an area should be uniform unless staggered intentionally for aesthetic reasons;
- f) Locations for public access and information signs, kiosks or visitor's centres should be provided and fencing and warning signs should be limited;
- g) Advertising should be prohibited on wind turbine towers excepting subtle manufacturer's logos;
- h) Access roads should be kept as inconspicuous as possible and/or reduced in standard following construction;
- i) Facilities on the ground should use motion sensor lighting;
- j) On-site power lines should generally be buried;
- k) Attention should be given to the building materials and design used for accessory buildings;
- l) In order to have turbines spinning as often as possible, turbines with lower cut-in wind speeds are encouraged and site plan agreements shall contain provisions that encourage minimized down-time; and
- m) Development agreements should provide for keeping turbines and surrounding grounds clean.

**PART D**  
**COMMUNITY DEVELOPMENT**

SECTION 1	Cultural Heritage
SECTION 2	Amenity & Design
SECTION 3	Urban Design
SECTION 4	Energy Conservation
SECTION 5	Community Improvement
SECTION 6	Signs
SECTION 7	Property Maintenance
SECTION 8	Home Businesses

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## **1 CULTURAL HERITAGE**

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.

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.

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.

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.

### **1.1 Policies**

The Municipality recognizes the value of preserving significant historical buildings and sites of cultural/historical merit. Council may consider the establishment of a Heritage Advisory Board to consult on issues related to cultural heritage resources and preservation.

#### **cultural and built heritage**

- 1.1.1** 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**

- 1.1.2** 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 potential**

- 1.1.3** The approval of developments will include the conservation of sites with a significant degree of archaeological potential.

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

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## **2**      **AMENITY AND DESIGN**

### **buffering and screening**

- 2.1**      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.
- 2.2**      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**

- 2.3**      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.
- 2.4**      Buffering and/or screening will be provided by the developer where a new Residential area is developed adjacent to any other land use designation except for Major Open Space Areas and Hazard and Environmental Protection Areas.
- 2.5**      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.
- high density residential**
- 2.6** The design and siting of high density residential development will minimize potential negative effects on all other types of dwellings.
- noise guidelines**
- 2.7** The appropriate Provincial noise guideline standards will be maintained for all new development within or adjacent to Residential Areas.
- 2.8** Council may require that applications for residential uses adjacent to Controlled Access Provincial Highways and railway lines be supported by a Noise and Vibration Impact Study, prepared in accordance with normal accepted standards, which will include the following:
- a) A description of the proposed development, including plans;
  - b) Physical site characteristics, including elevations and contours;
  - c) A statement of noise measurement techniques and methodologies used;
  - d) The results of noise measurement and prediction studies for the site, during both daytime and night-time;
  - e) The extent to which noise levels throughout the site vary from accepted noise level standards, as set by the Province from time to time;
  - f) Noise attenuation measures to be installed to reduce excess noise levels; and
  - g) Noise level prediction results anticipated after attenuation measures are installed, for both daytime and night-time.
- 2.9** No new residential development adjacent to controlled Access Provincial Highways and railway lines will be permitted unless predicted post-development noise levels are at or below the levels acceptable to the Province. However the Municipality may approve development and require that notice be given to prospective purchasers and tenants where predicted noise levels exceed maximum acceptable Provincial levels.



### **3**      **URBAN DESIGN**

#### **high quality design**

- 3.1**      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 shall be screened from adjacent public roads by buildings and landscaping;
  - b)      Landscaped strips shall 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 shall be paved, curbed and landscaped to an acceptable standard;
  - d)      The exterior facade of buildings exposed to abutting public roads shall be designed to complement the existing streetscape;
  - e)      Exterior signs shall 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.

## **4 ENERGY CONSERVATION**

- 4.1** Energy conservation will be promoted through the orientation and massing of buildings for solar gain, building retrofit, use of vegetation for cooling or warmth, by considering alternative development standards and by considering alternative energy sources in the design and development of individual projects and of the community as a whole.

### **renewable energy**

The Municipality encourages the effective use of energy resources and encourages the development and the maintenance of renewable energy sources where appropriate. Alternative and renewable energy systems will be regulated through the implementing Zoning By-Law in a manner that minimizes their impact on the visual and environmental features of the Municipality.

### **subdivision design**

The Municipality will encourage the use of alternative energy sources, and the use of landscaping, design features and building orientation to reduce energy costs in the design of new facilities. Such measures as the solar orientation of new lots will be encouraged.

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## **5 COMMUNITY IMPROVEMENT POLICIES**

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.

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.

The Municipality may participate in partnerships with Business Improvement Areas, Community Development Corporations, Economic Development agency's, or other community groups to support the revitalization or redevelopment of neighbourhoods or 'Brownfield's' or other community improvement initiatives.

### **5.1 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**

#### **5.1.1 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;  
and
- e) to enhance the economic potential of the Municipality in order to foster employment generating activity.
- f) Identify and promote opportunities for intensification and redevelopment within Brownfield sites. Promote energy efficient standards for all uses within a Community Improvement Plan.

- g) To encourage Infilling on vacant lots, on 'Brownfield's', or on underutilized land.

**objectives for residential areas**

**5.1.2** 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 the handicapped; and
- d) to provide improved neighbourhood and residentially oriented recreational facilities.

**objectives for commercial districts**

**5.1.3** 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**

**5.1.4** 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.

**objectives for Brownfield redevelopment**

- 5.1.5**
- a) to promote the rehabilitation, revitalization and reuse of Brownfield through the promotion of grants or loans to owners of Brownfield's in order to assist in the cost of cleanup and redevelopment.
  - b) to participate in partnerships with Business Improvement Areas, Community Development Corporations, Economic Development agencies, or other community groups to support revitalization or redevelopment of Brownfield's.

## **5.2 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**

**5.2.1** 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, streetlighting or sidewalks;
- c) areas where social or recreational facilities are deficient; and
- d) areas where environmental or natural heritage preservation and conservation are deficient.

**criteria for residential project areas**

**5.2.2** 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; and
- c) areas where neighbourhood and other residentially oriented social and recreational facilities are deficient.

**criteria for commercial districts**

**5.2.3** 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; and
- f) areas where land use conflict exist.

**criteria for industrial areas**

**5.2.4** 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; and

- d) areas where access, or sewer and/or water system improvements are needed.

### **5.3 Potential Public Land Acquisition**

The following lands may be acquired by the Municipality for community improvement purposes:

- 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; and
- c) residential lots in an industrial designation to facilitate industrial land assembly.

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.

### **5.4 Implementation**

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

#### **5.4.1 DESIGNATION OF COMMUNITY IMPROVEMENT PROJECT AREA**

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.

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

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.

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.

#### **5.4.2 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 will be approved by the Minister of Municipal Affairs.

#### **5.4.3 PROPERTY STANDARDS BY-LAW**

In order to ensure the proper repair and maintenance of buildings in the Municipality, the Council may adopt a By-law pursuant to the Planning 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 with 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.
- c) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to the property standards By-law.

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.



#### **5.4.4 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.

#### **5.4.5 CULTURAL AND NATURAL HERITAGE**

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.

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.

#### **5.4.6 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.

#### **5.4.7 CO-OPERATION WITH COMMUNITY GROUPS**

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.

Examples of such facilities that have been provided by such groups in the Municipality and elsewhere includes neighbourhood and community parks, street furniture in commercial areas, library quarters, fire halls, and monuments.

Of equal importance are efforts made to organize special events, fall fairs, festivals and promotions.

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#### **5.4.8 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.

#### **6 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.

#### **7 PROPERTY MAINTENANCE**

It will be the policy of the Municipality to keep in a fit and well maintained condition all municipally owned structures and properties.

In addition, in order to protect the health, safety and welfare of general population, and to enhance the community's physical character, the Municipality may pursuant to the Planning Act, pass a By-law to:

- a) prescribe standards for the maintenance and occupancy of property within the Municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;
- b) require property that does not conform to the standards to be repaired and maintained to conform to 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) prohibit the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a By-law passed under the authority of this section.

#### **8 HOME BUSINESSES**

Home businesses, which includes 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.

Home businesses will be encouraged 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.

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 for farmers.

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 definitions, permitted zones and performance standards. Performance standards will address issues related to maximum allowable floor space, control of emissions including noise, outside storage, signage and parking.

## **9 ECONOMIC DEVELOPMENT**

The Municipality will support community economic development initiatives and consider innovative activities or land uses which:

- a) promote sustainable economic development;
- b) protect and enhance the natural environment; and
- c) are compatible with surrounding land uses.

The municipality in co-operation with the County, and economic development agencies, 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 contribute to the entire region.

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## PART E IMPLEMENTATION

SECTION 1	Official Plan Reviews & Amendments
SECTION 2	Zoning By-laws
SECTION 3	Non-Complying & Non-Conforming Uses
SECTION 4	Site Plan Control
SECTION 5	Committee of Adjustment
SECTION 6	Land Division
SECTION 7	Special Studies
SECTION 8	Capital Works
SECTION 9	Financial Restrictions
SECTION 10	Interpretation

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## **1 OFFICIAL PLAN REVIEWS AND AMENDMENTS**

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.

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 are undertaken.

## **2 ZONING BY-LAWS**

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.

The land use and development policies of this Plan will be implemented for the most part by a Zoning By-law.

The Zoning By-law may limit the number of units that may be contained in a converted dwelling and specify minimum requirements for lot area, frontage, and gross floor area for the dwelling to be converted, and minimum gross floor area for the units to be created

To maintain the external compatibility of the dwelling, the Zoning By-law may also limit the extent of structural additions or changes that would be permitted for a converted dwelling/building.

Zoning By-law provisions are intended to ensure that infill housing projects recognize the scale of adjacent land uses and enhance the compatibility of the area.

## **2.1 Holding Zones**

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.

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.

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.

## **2.2 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. 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.

## **2.3 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.

## **2.4 Bonus Zoning**

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.

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; and
- g) provision of a wide range of housing types including assisted housing or other low income housing types.

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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.

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 is 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.

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.



### **3 NON-COMPLYING AND NON-CONFORMING USES**

#### **3.1 Non-Complying Uses**

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.

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.

#### **3.2 Non-Conforming Uses**

**3.2.1** 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.

**continuation of use**

**3.2.2** Legally established 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**

**3.3.3** 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**

**3.3.4** 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;

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- 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; and
  - k) the adequacy and availability of sanitary sewage, storm water and water services.

**replacement or repair**

**3.3.5** 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 siting 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;

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- 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.

#### **facilitation of development approval**

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

- Investigating and implementing measures to eliminate duplications, consolidate responses, and reduce time delays;
- Encouraging or requiring proponents of development proposals to consult with staff prior to the submission of applications;
- Ensuring development applications follow regulations and include all the necessary provisions as stated under the Planning Act.
- The Municipality may require additional information or studies where any foreseeable impacts are associated with the proposed development including but not limited to environmental, transportation, infrastructure or other matters.

#### **compatibility**

The applicant would be required to demonstrate compatibility through the consideration of proposed elements such as:

- Building height,
- Building scale and massing,
- Set-backs,
- Integration with existing streetscape

Ensure development is proportional to the scale and features within the existing residential community based on the following criteria.

- Compatibility,
- parking availability,
- infrastructure,
- size of units,
- number and location of units,
- intensity,
- exterior renovations and additions,
- lot creation,
- the historical context of the site.

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## **4 SITE PLAN CONTROL**

### **4.1 Establishment of Site Plan Control Area**

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

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.

### **4.2 Approval of Plans or Drawings**

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.
- 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.

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.

#### 4.2.1 Conditions to Approval of Plans

As a condition to the approval of the plans and drawings referred to in Section 4.2, 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; and
  - 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.

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- 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 4.2.1 a) ii) to ix), inclusive, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- i) 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 4.2. Such agreements may be registered against the land to which they apply.
  - ii) the Municipality will increase the accessibility of lands and buildings in the community for persons with disabilities including accommodating accessibility standards through proper site planning of public spaces and buildings, (i.e. ramps on curb cuts) in accordance with the provisions of the Ontarians with Disabilities Act.

## **5 COMMITTEE OF ADJUSTMENT**

### **5.1 Powers of Committee**

The County of Lambton performs the functions of the Committee of Adjustment for the Municipality.

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; and
- 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.

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.

### **5.2 Guidelines For Committee Of Adjustment Approvals**

#### **5.2.1 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.

### **5.2.2 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; and
- k) the adequacy and availability of sanitary sewage, storm water and water services.

### **5.2.3 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.

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## **6**      **LAND DIVISION**

**6.1**      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.

**6.2**      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)      New lots 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)      New lot creation 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 flooding, erosion or any other physical or environmental constraint 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. In the case of a residential infilling lot, the 100 metres will be measured between residences. In all other cases, the 100 metres will be measured between lot lines.

- 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.
- j) Strip development along roads where services and/or existing development do not exist will not be permitted.

### **6.3 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**

- 6.3.1** 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**

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

#### **designations**

- 6.3.3** 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**

- 6.3.4** 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.

## **6.4 Plans of Subdivision**

A Plan of Subdivision will normally be required where more than three lots are to be created or where new or extended services such as roads, water and sewers are required to service the property. 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**

- 6.4.1** 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**

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

### **access**

- 6.4.3** Development through plan of subdivision must not have the effect of land locking any undeveloped lands adjacent to the site. Where necessary, the development pattern of the subdivision will make provision for access to adjacent undeveloped lands.

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.

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 roads will be discouraged.

### **servicing**

- 6.4.4** Proposed plans of subdivision must be provided with adequate services.

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.

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**character of the site**

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

**design**

- 6.4.6** 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.

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.

**6.5 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 may front on a private road shown on the Plan of Condominium.

**7 SPECIAL STUDIES**

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.

**8 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.

**9 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 in order to adequately serve such development.
- c) To ensure that all of the necessary services required to serve and support development are available to meet the demands of all present and future residents. Appropriate development charges or By-Laws may be considered to support the financial ability to provide such services.

## **10 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.

### **10.1 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.

### **10.2 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.

### **10.3 Meaning**

Where the meaning of any phrasing or any part of any section is unclear, the meaning of such will be determined within the context of the general policy direction provided by this Plan.

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## **10.4 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.

## **10.5 Reference to Acts**

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.

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

## **10.6 Public Information**

**10.6.1** 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.

**10.6.2** 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.

**10.6.3** 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.

All changes will be adopted by Council.