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## **1.0 INTRODUCTION**

### **1.1 PURPOSE OF THE PLAN**

The policies contained herein, together with any Land Use or other Schedule(s) and any amendment(s), which are approved pursuant to the Planning Act, constitute the Official Plan for the Township of Southwold. The Plan includes goals and policies relating to land use.

The purpose of these goals and policies is:

- To provide for orderly growth and cost-effective development;
- To minimize future land use conflicts;
- To provide a planning policy framework for decision-making by the Township and 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 Township;
- To provide a local context for the application of Provincial planning policies generally including Building Strong Communities, the Wise Use and Management of Resources and Protecting Public Health and Safety; and
- To encourage economic growth and development including tourism, recreation, commercial and industrial

The goals and policies in this Plan are established primarily to guide the physical development of the Township while having regard to relevant social, economic and environmental matters.

### **1.2 EFFECT OF THE PLAN**

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

### **1.3 BASIS OF THE PLAN**

While it is recognized that the Province of Ontario has planning policies establishing the general planning policy context for growth and development at the Provincial scale, more detailed policies are

necessary to reflect local circumstances, and long term goals and aspirations.

The current Plan reflects the issues of the time when it was approved. Concerns such as water quality, forest cover, and economic development were significant topics and these issues remain relevant today. However, other issues such as sustainable development, housing, natural heritage systems, cultural heritage resources, and waste management, among others, have taken on increased greater priority. Consequently, the municipal policy framework must be revised to reflect these changing issues.

A new Plan is required which establishes policy directions that reflect Provincial interests. In 2005, a new Provincial Policy Statement was issued under the authority of Section 3 of the Planning Act. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities "...shall be consistent with..." the Provincial Policy Statement.

The existing Official Plan and recent amendments to it, the Provincial Policy Statement 2005, background research regarding population, housing, agriculture, employment lands, economic development and environment/natural heritage were utilized in the preparation of the Plan.

The comprehensive planning program initiated to prepare the Official Plan involved regular meetings with Council, open to the public, Provincial Agencies and the affected Conservation Authorities.

Meetings were conducted with the three (3) neighbouring First Nations to identify and integrate their interests in this Plan.

### **1.4 PLANNING PERIOD**

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

## 1.5 PLAN FORMAT AND INTERPRETATION

The Schedules of this Plan include land use, hazard and natural heritage features and areas, and transportation designations. The text of this Plan includes applicable policies relating to both land use designations and overlays. In all cases where a policy overlay exists over an underlying land use designation, both the land use designation policies and overlay policies will apply.

## 1.6 GOALS

The goals of the Official Plan describe the general direction of the Official Plan. The following are the goals of the Official Plan:

- To ensure that the Township of Southwold provides opportunities for employment, learning, culture, recreation, and physical, social, emotional and spiritual well-being in a manner that is environmentally sound.
- To strengthen the Settlement Areas and Hamlets to provide the services and amenities to the Township population, required to support the residents and businesses of the Township
- To protect the Township's natural heritage resources, agricultural land base, water supply, cultural and archaeological resources and provide for the wise use and protection of these uses over the long term.
- To protect agricultural areas for agricultural and resource use, and enhance the agricultural economy within the Township.
- To establish boundaries between settlement areas and agricultural areas by defining settlement edges and discouraging urban uses in the agricultural areas.
- To create attractive, functional and livable settlement areas that reflect the character of the Township.
- To preserve and enhance wherever possible the distinctive identity and character of the settlement areas within the Township, while accommodating expected growth over the planning horizon of this Plan.
- To manage growth and change within the intent of maintaining the positive physical character and attributes the Township residents currently enjoy.
- To provide adequate land supply in settlement locations for growth and development on lands with an adequate level of service.

- To promote efficient, cost effective development and land use patterns to minimize land consumption, reduce servicing costs and encourage intensification.
- To provide an adequate supply and diversity of housing types in appropriate locations within settlement areas.
- To enhance and revitalize existing Township and civic public spaces.
- To reduce the risk to public safety and to property by directing development away from natural hazard processes including flooding and unstable slopes.
- To identify, protect and enhance natural heritage features and areas for the long term.
- To protect the long term potential for mineral and petroleum resources.
- To provide an efficient and safe transportation network facilitating movement through and within the Township.
- To promote tourism in the Township as well as economic development which facilitate appropriately located and scaled commercial and industrial uses.
- To encourage open and constructive communication and consultation with the community on planning matters within the Township.
- To work cooperatively with neighbouring municipality and the County of Elgin in matters related to land use and infrastructure.

## 1.7 GROWTH STRATEGY AND COMMUNITY STRUCTURE

This Plan is intended to provide direction for orderly growth in the Township to strengthen communities, minimize costs, stimulate economic growth, protect resources and protect natural heritage areas.

### Policies

Schedule A, Land Use, shows a three level settlement hierarchy consisting of Settlement Areas, Hamlets and the Agricultural Area. The Settlement Areas have the greatest service area and the greatest number of urban uses and employment opportunities. These areas will be the focus of growth over the Official Plan's Planning period.

The Settlement Areas are expected to have the highest concentration and intensity of land uses and will be the focus of growth for the

Township. Settlement Areas include Talbotville, Shedden, Fingal and North Port Stanley.

New development in Settlement Areas is intended to take place on municipal services where possible. If such services are not available, Council may consider development which uses alternate, interim services, where it can be justified. Proponents may be required to prepare an Interim Servicing Study as described in Sections 4.3.4 and 5.7.1 of this Plan.

The Agricultural Area includes lands outside Settlement Areas. The Agricultural Area is characterized primarily by agriculture and clusters of development of insufficient size and variety of uses, designated as Hamlets, to warrant designation as settlement areas. Given the limited amount of development anticipated in the Agricultural Area, servicing will be by private sewage disposal and water supply, or by municipal piped water, provided that such development is consistent with natural heritage and resource protection policies and does not increase the overall density in the Agricultural Area.

Development in Settlement Areas, Hamlets and the Agricultural Area will promote an efficient and compact land use pattern to minimize land consumption, control infrastructure costs and limit non-farm growth in Agricultural Areas.

Full municipal sewage and water services are the preferred form of servicing in the Settlement Areas. The Township recognizes a hierarchy of servicing and may consider the use of municipally or privately owned and operated communal systems, individual on-site private systems and partial municipal services.

The main function of Industrial and Commercial lands is to accommodate existing industry and to enhance the Township's and the Region's competitiveness in attracting new businesses. These lands accommodate existing and future large-scale industrial and mixed industrial commercial uses that require locations in proximity to transportation corridors. The existing Industrial lands designation in the Talbotville Settlement Area is maintained in this Plan.

Industrial lands will permit a full range of manufacturing, construction, wholesale establishments, truck terminals, alternative energy projects, research and development uses and office development associated with

these uses. Retail and service commercial uses such as banks, restaurants and professional offices will also be permitted and grouped to ensure orderly development of the Settlement Employment lands.

Development in the Industrial lands will be integrated with the Township natural heritage system where feasible.

The designation of the Service Centre at Highway 401 is for land uses that are functionally dependent upon proximity to a controlled access highway such as tourist information centres, transport terminals, customs bonding houses and vehicle refueling facilities. Uses that are secondary or supportive to such principal uses will also be permitted provided they are low sewage generators both at the time they are established and in the long term.

The existing waste management facility is Provincially significant. It is recognized for its potential regarding the reduction, re-use, recycling and recovery of materials from solid waste and as an alternative energy source through the use of innovative means and new technology. This plan supports the adequate provision of lands designated for this waste management facility and prevents future incompatible development in close proximity to the landfill operation.

Two golf courses and the lakeshore are important recreational and natural heritage features, and provide opportunities for tourism development.

### **Population and Housing**

In 2006, the population of the Township was 4,724 persons. Approximately 1,800 (38%) persons resided in the Settlement Areas of Shedden, Fingal, Lynhurst, Ferndale and Talbotville. The 2006 Township population represented a 5.3% increase from the recorded 4,487 persons in 2001.

A trend scenario utilizing the historic Southwold Township share of the London CMA population growth, forecasts a population of 5,800 an increase in population of 1,076 persons. Forecasted increase in housing of predominantly single-detached dwellings is 600 dwelling units.

A growth projection over 20 years that assumes the Township will capture a higher share of residential activity in the London CMA as a

result of the provision of municipal services results in a forecast of 8,400 persons, an increase in population of 3,676 persons. Forecasted increase in housing of all types in this scenario is 1,500 dwelling units.

### **Land Supply**

The Schedule A Series maps designate 217 ha of land for residential and associated uses. There is a surplus of land available for residential use over the planning period of this Plan.

Land designated for residential and associated uses, including a small area for commercial use and existing residential uses comprise an expansion of approximately 32 ha to the Talbotville Settlement Area located adjacent to the existing, fully serviced Ferndale/Lynhurst community. Approximately 28 ha of this expansion area is vacant.

Lands designated for predominately residential use also includes a boundary expansion of approximately 16 ha of developable land in North Port Stanley. The bulk of these lands about the north-west part of the Hamlet area in the former Official Plan. North Port Stanley is an area where adverse topography may hinder agricultural activity and the soils have lower capability than predominate in the remainder of the Township. These lands about Port Stanley, a fully serviced community in the Municipality of Central Elgin, with a full range of community services and amenities. Development in this area must carefully consider the impact on natural heritage features.

The industrial designation on Schedule A Land Use, and Schedule A-1 Talbotville Settlement Area, provides suitable land for industrial purposes. There is approximately 412 ha of land designated Industrial. The extent of lands designated industrial includes lands which have historically been designated industrial. There is an adequate supply of industrial lands to meet the requirements of the Township. These lands are also a significant supply of industrial land to the broader economic region.

### **Settlement Area and Hamlet Boundaries**

Settlement area boundaries for Shedden and Fingal encompass existing designated areas and existing built up areas. The Settlement area boundaries of Talbotville and North Port Stanley include expansion areas and existing built up areas. The expansion areas are comprised of land relocated from designated growth areas around the Hamlets of Frome,

Iona Station, Lawrence Station, Paynes Mills and Southwold Station. These lands far exceeded the existing built up areas of the Hamlets and are designated Agricultural in this Plan.

The Hamlet boundaries have been significantly reduced to encompass only the existing built up areas.

### **Hamlets**

The Hamlets of Frome, Iona Station, Lawrence Station, Paynes Mills and Southwold Station do not have full municipal services, nor the expectation of full services. Growth will be restricted in these Hamlets. Development will be limited to infilling and rounding out of existing built-up areas.

### **Servicing**

With the exception of the communities of Lynhurst and Ferndale in Talbotville, the designated Settlement Areas in this Plan are serviced by a municipal water supply system only. Until full municipal services or an adequate alternative to partial services are provided, development will be restricted to infilling and rounding out existing development. All new development which is not minor infilling or rounding out will require an Interim Servicing Study in accordance with subsection 4.3.4, Development of Lands in Settlement Areas.

The Township has completed a Small Settlement Servicing Study to determine alternatives for providing municipal services to Settlement Areas. The Small Settlement Servicing Study provides an overview of water and sanitary servicing and of stormwater management policies.

The study found that water supply should be adequate for future development within the Settlement Areas and the current Township Stormwater Management policy generally addresses the requirements of future development. A Stormwater Management strategy for each Settlement Area is recommended based on objectives contained in this study. The objectives reflect current best management practices.

The study contains options for the provision of sanitary services to the Settlement Areas, recommends local/individual servicing solutions for each Settlement Area, and serves as background information for the preparation of future Class Environmental Assessments.

## 2.0 NATURAL RESOURCES

The Township, in partnership with the Province, conservation authorities and the general public, strives to protect Natural Heritage Features and functions. It is a priority of the Township to ensure the sustainable use of resource assets, to protect and enhance significant Natural Heritage Features and Areas functions, and to reduce the risk to public safety and property from the hazards of flooding, unstable slopes and human-made hazards.

### 2.1 NATURAL HERITAGE FEATURES AND AREAS AND HAZARD LANDS

The policies of this section apply to the Natural Heritage Features and Areas and Natural Hazard Lands designations on Schedules B and B-1 may also apply more generally to any other location where such conditions as described in this section exist.

#### Overlay Designation

The provisions of the designation over which the Natural Heritage Features and Areas and Natural Hazards overlies also apply.

#### Hazard Lands

The Township contains lands and sites 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 Township.

#### Natural Heritage Features and Areas

The Township also contains natural areas that could include significant natural features and their related ecological functions and processes (e.g. wetlands and woodlots) which must be protected. Many Natural Heritage Features and Areas are coincident with identified hazard lands and sites. Consequently, the policies address both hazard and natural heritage protection. Not all hazard areas contain significant natural areas and not all natural areas contain inherent hazards.

#### Designation Boundaries Approximate

The boundaries of Natural Heritage Features and Areas and Hazard Lands are approximate and will be used to guide the preparation of the Zoning bylaw provisions which will implement the policies of this Plan. As detailed mapping of Natural Heritage Features and Areas and Hazard Lands becomes available, the Conservation Authorities and the Province will be consulted, and the Official Plan and Implementing Zoning Bylaw, will be amended as required. The Zoning Bylaw will establish more precise boundaries of Natural Heritage Features and Areas and Hazard Lands, and building setbacks appropriate to the degree of hazard and environmental sensitivity.

#### Changes to Schedules

Minor changes to the boundaries of the Natural Heritage Features and Areas and Natural Hazard Lands may be permitted without an Official Plan Amendment.

In the case of Natural Hazard Lands, Council must consider the existing hazards and the potential impact of these hazards, and must be satisfied that the hazard has been addressed in a manner consistent with accepted engineering techniques and resource management practices.

In the case of Natural Heritage Features and Areas, Council will consider the nature and sensitivity of the feature and must be satisfied that the impact can be alleviated through the implementation of the appropriate mitigation measures identified in an Environmental Impact Statement

In either case, the Township will consult with the affected local Conservation Authority.

Where any flood and erosion risk mapping, flood control or other works are undertaken which result in significant changes to the boundaries of Natural Heritage Features and Areas and Natural Hazard Lands, the Official Plan will be amended accordingly.

#### Re-designation/Purchase

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

### **Flood Lines**

The Natural Heritage Features and Areas and Natural Hazard Land designation is not to be construed as delineating the flood line related to a watercourse.

### **Parkland Dedications**

Where new development includes lands within a Natural Hazard and/or Natural Heritage Features and Areas, such lands may not necessarily be considered acceptable by Council for dedication to the Township for park purposes. All lands dedicated to the Township for park purposes will be conveyed in a physical condition acceptable to the Township.

### **Setbacks**

Building setbacks will be imposed from the boundaries of Natural Hazard Land and Natural Heritage Features and Areas in relation to the kind, extent and severity of the existing and potential hazards. The Township will consult with the affected Conservation Authority to establish appropriate setbacks.

### **Land Severances**

Land severances in Natural Hazard and Natural Heritage Features and Areas may be permitted in accordance with the Land Division policies of this Plan.

### **Environmental Impact Study**

Prior to any development and site alteration occurring in Natural Heritage Features and Areas, the preparation of an Environmental Impact Study may be required at the discretion of the Township in consultation with the affected Conservation Authority and the Ministry of Natural Resources subject to the policies in Section 2.2, Natural Heritage Features and Areas.

### **Zoning**

Natural Heritage Features and Areas and Natural Hazard Lands will be zoned in a separate category in the implementing Zoning Bylaw.

## **2.2 NATURAL HERITAGE FEATURES AND AREAS**

### **Permitted Uses**

The use of lands in Natural Heritage Features and Areas will be restricted to existing agriculture, conservation, forestry, parks, fish and wildlife management and other passive outdoor recreational uses that rely on specific features of the natural environment. Marine facilities are permitted where appropriate.

Natural Heritage Features and Areas designated on Schedules B- and B-1 may include Provincially Significant Wetlands, Significant Habitat of Endangered Species and Threatened Species, Areas of Natural and Scientific Interest (ANSIs), Great Lakes System Shoreline, Woodlands, Valley Lands, Locally Significant Wetlands, Significant Wildlife Habitat, Nature Reserves, and Fish Habitat.

Development and site alteration is not permitted in Provincially Significant Wetlands, or in Significant Habitat of Endangered Species and Threatened Species, and significant Coastal Wetlands.

Development and site alteration is not permitted in Significant Woodlands, Significant Valleylands, Significant Wildlife Habitat, Significant Areas of Natural and Scientific Interest (ANSIs) unless it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or their ecological functions. Many of these Natural Heritage Features and Areas coincide with identified Natural Hazard Lands.

Development and site alteration adjacent to Provincially Significant Wetlands, Significant Habitat of Endangered Species and Threatened Species and Significant Coastal Wetlands, or within or adjacent (See Table 1, Lands Subject to Heritage Natural Features and Areas Policies) to any other Natural Features and Areas may be permitted if it can be demonstrated through an Environmental Impact Study that there will be no negative impact on the features or ecological functions for which the Natural Heritage Feature and Areas are identified.



**Natural Heritage System**

The linking of Significant Natural Heritage Features and Areas through a 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. Linkages between and among natural heritage features and areas, surface water features and ground water features will be maintained, restored or, where possible, improved.

**Existing Agriculture**

Nothing in this plan is intended to limit the ability of existing agricultural uses to continue on lands in, or adjacent to, a natural heritage feature, area, or system. New agricultural uses that require approval under the Planning Act will be subject to the Official Plan policies under Section 2.2 Natural Heritage Features and Areas.

**TABLE 1 - Lands Subject to Natural Heritage Features and Areas Policies**

Natural Heritage Feature and Area	Development and Site Alteration (within the feature or area)	Definition of Adjacent Lands	Development and Site Alteration (within adjacent lands)
Significant Habitat of Endangered Species and Threatened Species	Development and Site Alteration will not be permitted within the feature or area.	120m	Development and site alteration will not be permitted on adjacent lands to natural heritage features or areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or on their ecological functions.
Significant Wetlands	Development and Site Alteration will not be permitted within the feature or area.	120m	
Significant Coastal Wetlands	Development and Site Alteration will not be permitted within the feature or area.	120m	
Significant Woodlands	Development and Site Alteration may be permitted within the feature subject to the Environmental Impact Study (EIS) demonstrating no negative impacts to the feature and its ecological function.	120m	
Significant Valleylands	Development and Site Alteration may be permitted within the feature subject to the Environmental Impact Study (EIS) demonstrating no negative impacts to the feature and its ecological function.	120m	
Significant Wildlife Habitat	Development and Site Alteration may be permitted within the feature subject to the Environmental Impact Study (EIS) demonstrating no negative impacts to the feature and its ecological function.	120m	
Significant Areas of Natural and Scientific Interest	Development and Site Alteration may be permitted within the feature subject to the Environmental Impact Study (EIS) demonstrating no negative impacts to the feature and its ecological function.	120m- Life Science 50m- Earth Science	
Fish Habitat	Development and Site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.	120m	

## **Natural Heritage Features and Areas and Environmental Impact Study (EIS)**

The content of an EIS is found in Appendix 1.

An EIS shall be conducted by qualified professionals in the fields of ecology, terrestrial and/or aquatic biology, environmental planning and/or relevant earth sciences and will assess the following:

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

The nature and scope of a particular development proposal will serve to define the type of EIS and review criteria to be addressed.

In circumstances where there is a low likelihood of a negative impact on the Natural Heritage Feature or Area, and intervening development between the land subject to the planning or building permit application(s) and the feature triggering the EIS requirement, the Township, in consultation with the appropriate Conservation Authority, may waive the requirement for the EIS. The Township, in consultation with the appropriate Conservation Authority and/or the Ministry of Natural Resources, will establish the scope of any EIS.

The Ministry of Natural Resources will be consulted on an as-needed basis. The EIS will be prepared to the satisfaction of the Ministry.

If the Township is of the opinion, upon reviewing the EIS, that it has been demonstrated that the proposed use will not have a negative impact on the Natural Feature or Areas the Township may approve the proposed use subject to conditions.

If the negative impact of the proposed use, identified by the EIS on the natural area or lands adjacent to the natural area, cannot be adequately mitigated, then the development will not be permitted.

The Township may prohibit all development and site alteration, dumping or removal of fill, alteration to watercourses and natural drainage areas, removal of tree stands and the installation of roads and services within Natural Heritage Features and Areas without a satisfactory EIS.

Other lands not within Natural Heritage Features and Areas as identified in this Plan may be subject to the requirement of an EIS being carried out prior to development approval.

### **Other Natural Features and Areas Identification and Designation**

It is recognized that there will be natural heritage features, located outside the areas designated as Significant Natural Features on Schedule B, which may be important elements of the Township's natural heritage. To protect these, the Township 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.

Significant habitat of endangered and threatened species may not be illustrated on 'Schedule B'. The Township, in consultation with the Province, will determine where the policies of Natural Heritage Features and Areas apply for endangered species or threatened species.

The designation of these lands as Natural Areas may be considered from time to time. These lands may be zoned in accordance with uses permitted in the Natural Areas designation without an amendment to this Plan.

### **Municipal Activities**

The Township will incorporate best 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**

Development along watercourse will be planned such that harmful alteration, disruption and destruction of fish habitat and adverse effects of stormwater are avoided. The following principles will apply to any development that borders a watercourse in the Township:

- a) 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.

Conservation Authority approval is required for any development on a watercourse or adjacent to a watercourse.

#### **Trees and Development Approval Process**

The Township 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 Township will encourage the introduction of new tree plantings as one component of the development approval process.

#### **Elgin County Woodlands Conservation By-law**

The removal of trees is regulated by the provisions of the County of Elgin Woodlands Conservation By-law. The County or its agent shall be consulted prior to the removal of trees.

#### **Tree-Saving Plans**

Development proponents within or adjacent to wooded areas may be required where appropriate, to submit a Tree Saving Plan, satisfactory to the Township 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 wildlife 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;
- g) incorporate the requirements of an Environmental Impact Statement if the wooded area is part of a Significant Woodland. Significant Woodlands are those forested areas which are designated Natural Area, and are 4 hectares, or greater in size; and
- h) have regard for the requirement of the County of Elgin Woodlands Conservation By-law

## 2.3 HAZARD LANDS

### Permitted Uses

The use of Hazard Lands will be restricted to agriculture, conservation, forestry, parks, other passive outdoor recreational uses, buildings or structures intended for flood or erosion control or are normally associated with a watercourse protection or bank stabilization, for essential public services and for other uses normally associated with shorelines such as docks, boathouses and marina facilities.

### Uses Not Permitted

Institutional uses associated with hospitals, nursing homes, pre-school, school, nurseries, daycare and school where there is threat to the safe evacuation of persons due to flooding, essential fire, police and ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances are prohibited in hazardous lands and hazardous sites.

### Safety and Protection of Property

Development shall be directed away from areas of natural hazards where there is an unacceptable risk to public health or safety or of property damage.

Development and site alteration shall be permitted only where during a flood event there would be safe access for people and vehicles and where flood proofing standards can be met to the satisfaction of the Conservation Authorities.

### Regulatory Flood Standard

The Kettle Creek and the Lower Thames Valley Conservation Authorities have jurisdiction in the Township. The Regulatory Flood Standard for the area under Kettle Creek jurisdiction is based upon the Hurricane Hazel storm-centred event which occurred in 1954. The standard for the area under the jurisdiction of the Lower Thames is based upon the 1937 Thames River flood event.

### One Zone Concept

The flood plain for watercourses is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will be determined with the local Conservation Authority.

Development within a flood prone or Regulated Area will not be allowed without written approval from the Conservation Authority having jurisdiction, as it pertains to Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations.

### Floodplain Policies

Development within the Hazard Area is subject to the policies of this Plan regarding Floodplains and Unstable Land.

### Fill Materials

No alteration to a watercourse and no placing or removal of any materials of any kind whether originating on the site or elsewhere shall be permitted in the Hazard Area unless such action is approved by the Township and the local Conservation Authority having jurisdiction.

### Absence of Engineered Flood Lines

The preparation of engineering reports to determine the extent of the flood plain 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 Flood Plain

Any works or construction taking place within the flood plain must be in conformity with the policies of this Plan, and the policies of the affected Conservation Authority and will require a permit from the affected Conservation Authority.

### Unstable Land

Development adjacent to steep slopes, which includes the Lake Erie shoreline, or watercourse valleys will be subject to setbacks from the stable top-of-bank. The stable top-of-bank will be determined through a technical analysis by a qualified professional to the satisfaction of the Township and the affected Conservation Authority. 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 minimum standard setback may be included in the implementing Zoning Bylaw.

### **Engineering and Geotechnical Studies**

Where slope stabilization, development or redevelopment is proposed near the top-of-bank of a watercourse or slope, the proponent will consult with the Township and the local Conservation Authority having jurisdiction regarding the need for geotechnical or engineering studies.

Where Ontario Regulations stipulate, the Township will consult with the affected Conservation Authority; however, outside regulated areas, the Township may consult with the affected Conservation Authority at its own discretion. The Township and the affected Conservation Authority may require geotechnical and/or engineering studies and/or works.

## **2.4 LAKESHORE AREA**

The Lakeshore Area is shown as Hazard Land on Schedule 'B-1', Hazard Lands.

Within the Lakeshore Area along the Lake Erie shoreline, the land use shall be governed by the policies applying to the underlying designation on Schedule 'A', Land Use.

The Lake Erie Shoreline in the Township consists mostly of bluffs, which are susceptible to erosion and slumping resulting from wind and wave action from the lake. The Lakeshore Area provides natural habitat and linkages for flora, fauna, fish and wildlife.

### **Natural Heritage**

Land use decisions shall have regard for the importance of the Lakeshore Area as natural habitat for flora, fauna, fish, and wildlife. The need to preserve significant natural heritage features and natural linkages and corridors for wildlife and the enhancement of natural heritage systems will be considered.

### **Shoreline Management Plan**

The Kettle Creek Conservation Authority has prepared a Shoreline Management Plan (1989) including the Township's shoreline in accordance with Provincial Policy. The Lakeshore Area is defined by the boundary of the Shoreline Management Plan area as defined in the 1989 report.

The Township will consult with the local Conservation Authority prior to making any land use decisions within the Lakeshore Area.

Development that would aggravate an existing hazard or create a new hazard shall be prohibited.

### **Location of Buildings and Structures**

No new building or structure shall be permitted within the 1:100 year bluff erosion setback.

Nothing shall prevent the relocation of a dwelling provided the dwelling is relocated outside the hazard or as far from it as possible and there is no increase in size or structural alteration other than a new foundation.

Reductions in required yard setbacks shall be permitted for the purpose of increasing the setback from a hazard. The degree of reduction shall take into consideration the character of the area, setbacks from utilities and hazards related to proximity to the street.

### **Zoning Bylaw**

The Zoning provisions for Hazard Areas will direct development outside of hazard areas.

The Zoning Bylaw will determine the permitted types, sizes and locations of accessory buildings, structures and uses.

### **Site Plan and Other Agreements**

In accordance with the Township's Site Plan Bylaw, property owners in the Lakeshore Area designation may be required to enter into a site plan and/or development agreement with the Township where the zoning provisions require such agreements.

## **2.5 WATER RESOURCES**

The Township contains watercourses draining to Lake Erie and the Thames River. Among other resources, wetlands, the lake, river and streams support the natural environment and the existing community.

The following will be the policy of the Township:

- a) The Township will work cooperatively with the Kettle Creek and

Lower Thames Valley Conservation Authorities in dealing with land management issues within the subwatersheds draining to Lake Erie, including those that extend beyond the municipal boundaries.

- b) The Township will encourage the preparation of watershed and subwatershed management plans and regional stormwater quality/quantity management facilities to assist in water resource and land use planning on an ecosystem basis. To the extent feasible, the Township will support the Conservation Authorities in the preparation and implementation of watershed and subwatershed plans.
- c) The Township will encourage the protection and restoration of Natural Heritage Features to improve water quality and quantity.
- d) Planning applications that propose to make use of a private water source will be required to submit a detailed hydrogeological study to determine the suitability of the lands for groundwater extraction. The hydrogeological study will be prepared to the satisfaction of the Township and the affected Conservation Authority.
- e) The Township will require the use of stormwater management facilities downstream of new developments, where appropriate, to mitigate development impacts on stormwater quantity and quality. The Township will promote naturalized and unfenced stormwater management facilities, constructed with gentle slopes. Applications for development will be required to be supported by a stormwater quality/quantity management study. The planning and design of stormwater facilities should be undertaken in accordance with the Ministry of the Environment's Stormwater Management Planning and Design Manual.
- f) A Permit To Take Water (PTTW), in accordance with the *Ontario Water Resources Act* is required from the Ministry of Environment where more than 50,000 litres a day of groundwater/surface water will be drawn.
- g) Environmental Assessment and Certificate of Approval may be required from the Ministry of Environment in connection with stormwater management facilities and permits to take water.
- h) In cooperation with the private sector and the community, the

Township will encourage the reduction of water consumption levels through the promotion of the efficient use of water and may specify appropriate water conservation measures within existing and new development.

## 2.6 AQUIFER AND GROUNDWATER PROTECTION

The protection, conservation and careful management of groundwater resources is necessary to meet both the present and future needs of residents, businesses and the natural environment.

The Township supports initiatives of the Province and the Conservation Authorities, agencies, including the implementation of a Source Water Protection Plan and the Permit to take Water Program to protect groundwater resources.

Assurance that groundwater quality and quantity will not be negatively impacted will be required for approval of applications for development.

The Township will require groundwater impact assessments for development proposals as appropriate according to the level of susceptibility and potential groundwater contaminants.

### 2.6.1 SOURCE WATER PROTECTION

In accordance with the Clean Water Act, 2006 and Provincial Policy, the Township will take measures to protect, improve or restore the quantity and quality of groundwater sources to secure long-term hydrologic stability, healthy aquatic habitat and safe drinking water supply.

#### Drinking Water Supply

The Township's drinking water is supplied from the Elgin Area Primary Water Supply Treatment Plant located in Central Elgin Township. The intake for the Water Treatment Plant is in Lake Erie. At this time, there are no Intake Protection Zones in Southwold Township according to the draft Kettle Creek Water Assessment Report.

There are no Wellhead Protection Areas in Southwold Township according to both the draft Lower Thames and Kettle Creek Source Water Protection Assessment Reports.

#### **Aquifers and Groundwater Recharge Areas**

Aquifers and Significant Groundwater Recharge Areas have been identified in Source Water Protection Area Assessment Reports as being vulnerable to contaminants.

#### **Development Proposals**

Development Proposals or changes in use in these areas will require determination of their potential negative impact on the groundwater and appropriate mitigating measures imposed as a condition of approval.

#### **Livestock and Poultry Farms**

In the interest of protecting the quality of ground and surface waters, new or expanding livestock and poultry operations will satisfy the policies of Section 4.1 Agriculture.

#### **Potential for Intake Protection Zone**

There may be an Intake Protection Zone in the Township, depending on the outcome of the Source Water Protection Plan process.

#### **Intent to Update Mapping and Incorporate**

The aquifers and groundwater recharge areas have been mapped by the Source Water Protection Committees. New information may result in a change in the geographic extent of existing aquifers and groundwater recharge areas or possibly an Intake Protection Zone.

Changes to the extent of aquifers and groundwater recharge areas or an Intake Protection Zone will be reflected on Source Water Protection Schedules to be incorporated as part of the Official Plan when Source Water Protection Plans are approved and in effect.

An Amendment to this Plan may be required to incorporate the outcome of the Source Water Protection processes.

## **2.7 RESOURCE EXTRACTIVE**

There is no mapping available for aggregate resources. Existing petroleum pools are shown on Schedule A, Land Use.

### **2.7.1 MINERALS**

#### **Permitted Uses**

Lands identified as Resource Potential 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, during, and after extraction, the lands may also be used in accordance with the Agricultural Area policies contained in this Plan. There are no known petroleum or mineral deposits in the Township.

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) resources 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, Portable Asphalt Plants and Portable Concrete Plants**

Wayside pits and quarries, portable asphalt plants, and portable concrete plants, used on public authority contracts will be permitted in all land use designations except Hazard lands and Natural Heritage Features and Areas and areas where conflicts with existing developments would occur. All wayside pits applications must include Natural Environment Reports and Archaeological Assessments and Heritage Impact Assessments.

#### **Extractive Operations on Lands Designated**

Expansion of existing licensed resource extractive operations, or the establishment of new operations, on lands designated Resource Extractive will require an amendment to the Zoning Bylaw. 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 proposed method of operation; and
- f) The proposed rehabilitation of mineral extraction operations sites.

#### **Extractive Operations on Lands Not Designated**

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 Zoning Bylaw. Applications to amend the Official Plan and Bylaw 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.

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

Where extraction is proposed below the water table, the following criteria will be satisfied.

- a) A Permit To Take Water, in accordance with the *Ontario Water Resources Act* will be required from the Ministry of Environment where more than 50,000 litres a day of groundwater/surface water will be drawn. A hydrogeological study will be conducted for aggregate operations that intend to use groundwater resources to wash their aggregate and will use greater than 50,000 litres per day during this washing process. A Certificate of Approval from the Ministry of Environmental may be required to treat and dispose of excess water;
- b) A substantial quantity of mineral aggregate is located below the water table warranting extraction below the water table;
- c) Other alternatives have been considered by the applicant and have been found unsuitable. Other alternatives include resources on land committed to future urban uses, and resources in the Agricultural Area where rehabilitation to agricultural uses is possible; and
- d) In those areas remaining above the water table following extraction, agricultural rehabilitation will be maximized.

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

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.

Where agricultural rehabilitation is not required, other appropriate after uses, such as recreational uses may be considered in accordance with the policies of this Plan. Sites may also be rehabilitated to wildlife habitat using native species for vegetation. If a proposed use is not permitted in the Agricultural designation, an Official Plan Amendment will be required.

#### **Provincial Requirements**

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.

### **2.7.2 PETROLEUM RESOURCES**

Petroleum resources are identified on Schedule A, Land Use. Petroleum resources will be protected for the long-term use.

The extraction of petroleum resources shall be permitted in accordance with the Oil, Gas and Salt Resources Act and associated regulations.

Development and changes in land uses which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

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

As a condition of approving a development proposal, the Township will require that improperly decommissioned (plugged) wells or associated works that are known or discovered on the land during development will be properly decommissioned in accordance with the Act, regulations and Provincial Operating Standards. Areas where wells are located should be

avoided when siting buildings, unless it can be demonstrated that development can safely occur.

Rehabilitation of mineral petroleum resource land after operations have ceased is required in accordance with the provision of the *Mining Act* and the *Oil, Gas and Salt Resources Act*, regulations, and Provincial Operating Standards.

New development will be set back 75m from existing wells and any associated works. The Schedules of this Plan will be revised through Official Plan Amendment by the Township as new mapping becomes available.

### 3.0 COMMUNITY DEVELOPMENT

Community development promotes the improvement of the quality of life in the Township, the fostering of strong and healthy communities.

#### 3.1 ECONOMIC DEVELOPMENT

Southwold Township is favourably located, in close proximity to the City of London and the City of St. Thomas, with direct access to Provincial Highway 401, and with major rail service.

The Township is a committed partner in the on-going implementation of a strategy for economic development in Elgin County.

This Plan takes new directions to encourage and facilitate forms of development which will help the Township realize its economic development potential, will improve the Township's fiscal position and will positively contribute toward the development of a balanced community through local employment opportunities.

##### **Economic Development Objectives**

To actively encourage commercial and industrial development in appropriate locations in the Township, in cooperation with adjacent municipalities and upper tier governments.

To diversify the economic base.

To identify and reserve suitable and adequate lands for commercial and industrial purposes.

To provide for a healthy agricultural sector within the Township's economy.

To ensure that the level of services required by development within the Township is within the Township's financial capabilities.

To encourage development based on tourism opportunities.

##### **Economic Development Policies**

Council will actively encourage the development of new and expanded commercial and industrial operations within the Township. The

Township, in cooperation with Elgin County and other jurisdictions, will pursue the development of industrial and mixed industrial/ commercial uses in the Talbotville industrial area pending the provision of municipal services.

New and expanded commercial and industrial development will be encouraged to locate in the industrial and commercial designations within settlement areas to optimize the benefits of location and servicing, and to minimize impact on agriculture.

Council will, at all times, ensure a supply of lands designated for commercial and industrial use adequate to meet the anticipated requirement over the planning period.

It is the intent of this Plan that commercial and industrial lands in the Talbotville area will, as resources become available, be serviced, in order to facilitate efficient and economical land use, and to optimize the range of potential business which may locate in this area.

Council will encourage the efficient use of commercial and industrial land. The use of large lots by small operations will be discouraged unless there is a need for future expansion.

Council will encourage the establishment of commercial and industrial uses which support and enhance the agricultural sector of the Township's economy.

Council will work in conjunction with neighbouring municipalities and the County in order to give focus and direction to its economic development efforts.

Where appropriate, the Township will coordinate its economic development efforts with Elgin County and other municipalities within the County of Elgin.

In pursuing economic development, Council will, at all times, ensure that the costs associated with development are within the Township's financial capabilities, and that there are no undue social or environmental costs.

Council will protect the Toronto waste disposal facility from incompatible land uses and will encourage the development of complementary land uses.

Council will work to ensure that the physical needs of business are addressed, which includes ensuring that:

- a) a diversity of zoned and ideally serviced sites are available to support a range of industrial and service activities;
- b) settlement areas are adequately served by telecommunication facilities; and
- c) industrial areas are well designed and have a high level of available amenities, including access to major transportation routes, that are attractive to new investors.

The Township will promote itself as a location for a range of economic activities, such as automotive, waste management, alternative energy research and development activities, tourism, recycling, transportation, and agriculture including value-added agriculture based products.

The Township will promote the installation, maintenance and improvement of modern infrastructure systems including roads and railways, pipelines, and telecommunications networks to service existing and future employment.

Enhancement of the economic base of Agricultural Areas is encouraged through local policies that provide for a limited amount of suitable and compatible secondary or agriculture-related commercial and secondary or agriculture-related industrial activity in appropriate locations, subject to Section 4.1 of this Plan.

Home-based work is recognized as an important component of the local economy.

The Township will encourage the reuse of vacant industrial buildings and the redevelopment of vacant industrial sites.

### **3.2 CULTURAL HERITAGE**

In keeping with the Goals of this Plan, it is important to support the conservation and recognition of the Township's cultural heritage resources including buildings, structures, landscapes, monuments or

artifacts of cultural heritage value or interest. It is the intent of the Township to promote preservation efforts for the benefit of the community as a whole.

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

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

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

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

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

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

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

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

guidelines set out by the Ministry of Tourism, Culture and Sport as well as licensing requirements developed under the Ontario Heritage Act.

The Township supports the sharing of information with First Nations as a result of relevant archaeological assessments. Engagement with Aboriginal communities as a result of archaeological assessment is required where indicated in the Archaeological Standards and Guidelines for Consultant Archaeologists.

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

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

#### **Marine Archaeological Resources**

Within the Township boundaries, there may be marine archaeological resources, including the remains of boats, artifacts, docks and other items of cultural heritage value. Prior to approving a development proposal where there is a potential for marine archaeological resources, the Township shall require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the Township and the Ministry of Tourism, Culture and Sport. Marine archaeological remains may currently be under water or were, at one time, under water but may no longer be submerged.

### **3.3 AMENITY AND DESIGN**

#### **Buffering and Screening**

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.

#### **Agreements**

The Township's Zoning Bylaw, 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**

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 and other sensitive land uses wherever possible. The Township 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.

#### **Buffering of Residential Areas**

Buffering and/or screening will be provided by the developer where a new Residential area or other sensitive land uses is developed adjacent to any other land use designation except for Open Space areas and Hazard and Natural Areas.

#### **Types of Buffering**

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 using indigenous species where possible.

#### **Noise Guidelines**

The appropriate Provincial noise guideline standards will be maintained for all new development within or adjacent to Residential Areas and other sensitive land uses.

### **Ontarians with Disability Act**

The Township will require the provision of design elements that incorporate physical accessibility features where practical for all members of the public in accordance with the Ontarians with Disabilities Act.

### **3.4 SITE PLAN**

#### **High Quality Design**

The Township will encourage a high quality in design and amenity to be incorporated into the design plans in all land use designations; particularly in settlement areas.

- a) Parking areas, loading areas and waste disposal storage areas should be screened from adjacent public roads by buildings and landscaping;
- b) landscaped strips should be installed around the entire periphery of the property, except for entrance, exits and interconnections with adjacent properties for pedestrians and vehicles;
- c) parking areas should be paved, curbed and landscaped to an acceptable standard;
- d) the exterior façade of buildings should be designed to complement the best features of the existing streetscape, taking into consideration location, size, shape, materials and colours;
- e) exterior signs should be uniform in appearance, in terms of location, size, shape, materials and colours to encourage design quality; and
- f) off-street interconnections for pedestrians and vehicles between existing and proposed development will be encouraged.

#### **Study**

The Township may request the preparation of urban design guidelines in connection with development applications.

### **3.5 ENERGY CONSERVATION**

#### **Subdivision Design**

The Township will encourage energy conservation measures to be incorporated into the design of development. Measures such as the solar orientation of new lots, walkable streets and compact development will be encouraged.

### **3.6 COMMUNITY IMPROVEMENT**

The entire Official Plan deals with various aspects of community improvement; however, the policies of this Section are designed to assist the Township in the identification and prioritization of Community Improvement Areas and Projects, subject to available resources.

#### **Community Improvement Area**

The entire Township will be designated as a Community Improvement Area. Within the Township, individual Community Improvement Project Areas may be identified and prioritized. Criteria for selecting and designating these project areas are outlined below:

#### **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**

For all areas, it is the intent of the Township:

- a) to contribute to an enhanced sense of community in the Township;
- 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 Township; and
- e) to enhance the economic potential of the Township in order to foster employment generating activity.

#### **Objectives for Residential Areas**

In residential areas, the Township 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 disabled in accordance with the Ontarians with Disabilities Act; and

- d) to provide improved recreational facilities.

**Objectives for Industrial Commercial Areas**

In industrial and service commercial areas, the Township 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.

**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**

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

- a) areas where land use conflicts exist;
- b) areas which require upgrading or replacement of road surfaces, sewer or water systems, storm water management systems, street lighting or sidewalks;
- c) areas where social or recreational facilities are deficient; and
- d) areas where there is a potential for reuse or redevelopment of underutilized land that may be contaminated.

**Criteria for Residential Project Areas**

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.

**Potential Public Land Acquisition**

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

- a) lands for neighbourhood, and community parks, natural heritage and/or natural hazard 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 Township to acquire lands in other locations for community improvement or other purposes.

**Implementation**

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

**Designation of Community Improvement Project Area**

Pursuant to the Planning Act, the Township 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 Township 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 Township 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 Township 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 Township 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.

#### **Property Standards Bylaw**

In order to ensure the proper repair and maintenance of buildings in the Township, 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 Township 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 leveled condition.
- c) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to the property standards Bylaw.

The Township may, by Bylaw, 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 leveling of the lands required to bring a property into conformity with the property standards Bylaw.

#### **Demolition Control Area**

In order to encourage the conservation of the buildings with cultural heritage value or interest, the Township may pass a Bylaw to designate any area within the Township to which a Property Standards Bylaw 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 the Township.

#### **Cultural and Natural Heritage**

In addition to the other measures described in this Plan, the Township may make use of programs under the Ontario Heritage Act to support the conservation of resources with cultural heritage value or interest.

In addition to the other measures described in this Plan, the Township 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.

#### **Cooperation 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 cooperate 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 Township 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.

#### **Use of Public Funding Programs**

The Township may make use of Federal and Provincial cost-sharing, funding or incentive programs in order to achieve desired community improvements.

#### **Signs**

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

#### **Property Maintenance**

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

### **3.7 HOUSING**

#### **Housing Mix**

In approving new residential development, the Township will take into consideration a mix of housing types for low income, medium income and upper tier income households according to substantiated need and demand for the Township as a whole.





#### **Residential Land Inventory**

The Township is part of a larger regional market area and will support meeting the needs, affordability and preferences of residents in a manner which is compatible with the scale of the existing communities and which is commensurate with the services required to support it.

A minimum of 10-year supply of land shall be designated for residential purposes at all times to accommodate housing needs. The Township will endeavour to maintain a minimum of a 3-year supply of land with servicing capacity for residential units in draft approved or registered plans.

#### **Intensification and Redevelopment**

Residential intensification means the intensification of a property site or area which results in an increase in residential units or accommodation.

Redevelopment means the creation of new housing units on previously developed land in Settlement Areas. Residential intensification and redevelopment are subject to the criteria in Section 4.3.1, Residential.

Development is considered infill when it occurs on a vacant site or lot in accordance with the infilling policies in Section 4.2 Hamlets in Agricultural Areas.

The Township will support a 15% target for intensification and redevelopment opportunities in built-up areas having adequate services and will provide such information to potential builders. Measures to facilitate and expedite the approval process for intensification and redevelopment projects will be considered.

#### **Innovative Housing**

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

#### **Programs**

The Township may participate in the housing programs of other levels of government in order to achieve the residential goals of the Plan.

#### **Affordable Housing**

The provision of affordable housing is encouraged in the Township, where practical. In this regard, the Township will assist the private sector by:

- a) encouraging residential intensification where practical; and
- b) adopting alternative development standards where deemed appropriate by the Township.

The Township will do whatever is feasible to meet a 20% target for affordable housing.

Housing which is considered affordable to low and moderate income households is priced 10% below the average purchase price of a resale unit in the regional market area. Rental housing is a unit for which the rent is at or below the average market rent in the regional market area.

### **3.8 FACILITIES AND SERVICES**

#### **Recreation**

The provision of public recreational space and facilities is an important component for the social well being of the residents of the Township. It is the Township'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.

#### **Transportation**

It is the policy of the Township to provide and maintain safe, 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. The Township promotes the preservation of roads considered scenic, the development of bicycle and pedestrian options, a Township-wide trail system and alternative design standards relative to municipal rights-of-way.

### **3.9 HOME OCCUPATION AND HOME INDUSTRY**

Home Occupations are permitted in Agricultural Areas, Hamlets and Settlement Areas. Home Occupations are occupations or businesses conducted for gain or profit generally within a dwelling unit.

A Home Industry is permitted in Agricultural areas. An agricultural Home Industry may be conducted in whole or in part in an accessory building.

A Home Industry may be permitted in Hamlets, or parts of Settlement Areas characterized by mixed uses, subject to an amendment to the Zoning By-law. The Home Industry may be conducted in whole or in part in dwelling units and an accessory building.

Bed and breakfast establishments may be permitted within single detached dwellings in any designation where such a dwelling is permitted.

The following additional policies shall apply:

- a) Home Industry must be clearly subordinate in scale and importance to the residential or farm use.
- b) Home Industry will not conflict with the surrounding uses and will not remove large amounts of farmland.
- c) Home occupations will be restricted so as not to impact the residential character of the lot and neighbourhood.
- d) Home occupations will be clearly subordinate to the residential use, and will not require alterations which interfere with the residential character of the lot and structure. Such uses will not be permitted if they generate uncharacteristic traffic for a residential neighbourhood, or require outdoor storage of goods or materials, or will otherwise disrupt the peaceful and quiet enjoyment of other residential properties in the neighbourhood.
- e) Home occupations and home industries will be regulated by the Township through the Township Zoning By-law.

## 4.0 LAND USE

The following section addresses land uses in Agricultural Areas, Hamlets, Settlement Areas, Highway Service Centre Commercial and Waste Management Site.

### 4.1 AGRICULTURAL

#### Permitted Uses

In the Agricultural 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; aquaculture; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accessory farm dwellings.

#### Other Permitted Uses

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) existing institutional uses;
- d) existing cemeteries;
- e) fish and game farms;
- f) forestry;
- g) petroleum resources exploration and extraction facilities;
- h) aggregate resource and extraction facilities;
- i) conservation uses;
- j) limited residential uses in accordance with the policies of this section; and
- k) alternative energy facilities in accordance with Provincial requirements.

#### Agricultural Uses

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

The main purpose of the Agricultural Area is to provide a secure land base for agricultural activities. The Township supports the 'Right-to-Farm' concept, and when applying the policies of this Plan, agricultural uses will be given priority over all others in the Agricultural Area.

#### Lot Size

The minimum lot size for new agricultural parcels shall be 40 hectares (except for parcels severed under Section 6.8.4(e) of this Plan) 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 parcels of insufficient size for agricultural use will be encouraged to consolidate with adjoining farm lands where possible.

#### Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the Minimum Distance Separation formulae.

#### Application of MDSI

The Township shall require compliance with the MDSI requirements for all types of development proposed by building permit on all existing lots of record outside of Hamlets and Settlement Areas.

The Township requires compliance with the MDSI requirements for surplus farm dwelling severances.

The Township does not require compliance with the MDSI requirements for the construction of a new dwelling that is replacing a dwelling that is destroyed in whole, or in part, by a catastrophe, provided that the new dwelling is located no closer to a livestock facility than prior to the catastrophe.

The Township shall not apply MDSI in the Hamlet and Primary Settlement designations.

#### **Application of MDSII**

The Township shall not apply MDSII in Hamlets and Settlement Areas.

The Township shall apply the MDSII requirements for the construction of a livestock facility that is replacing a livestock facility that is destroyed by a catastrophe.

The Township shall treat closed cemeteries in compliance with the Minimum Distance Separation Implementation Guidelines in accordance with the levels of visitation to the cemeteries.

#### **Agricultural Practices**

The Township 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;
- d) proper construction of drainage tile outlets to minimize erosion along water courses;
- e) restricting livestock access to watercourses;
- f) appropriate application of fertilizers and herbicides to minimize chemical run-off;
- g) proper storage, handling and disposal of hazardous and non-hazardous pollutants;
- h) maintaining a buffer strip along watercourses, ditches and open drains; and

- j) the preparation of Nutrient Management Plans.

#### **Secondary Uses**

On-farm economic diversification will be encouraged as a means of contributing to the economy of the Agricultural Area. Secondary uses will be subject to the following policies:

- a) the use must be clearly secondary to the principle agricultural use of the lot;
- b) the uses may include home occupations, home industries, 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 Bylaw regarding the maximum floor area for such uses, signage, access, parking and outside storage;
- e) site plan approval and site plan agreements may be required;
- f) the severance of secondary uses from the farm lot will not be permitted;
- g) home industries will be operated or undertaken by residents of the site. The number of non-residents assisting in the operation of the home industry will be limited in the Zoning By-law.
- h) home industries will not create a nuisance or conditions inconsistent or incompatible with nearby agricultural uses or the agricultural character of the area.

#### **Agricultural Related Commercial and Industrial Uses**

Agricultural related commercial and industrial uses necessary in the Agricultural 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, fertilizer plants and livestock assembly facilities.

- a) The use is directly related to the farm operation and requires a location in close proximity to the farm operation;
- b) the need and demand for the use at the location proposed can be demonstrated to the satisfaction of the Township;
- 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 and the Township regarding water supply and sewage disposal and drainage can be met;
- f) a site specific Zoning Bylaw Amendment is obtained;
- 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 impact natural heritage features and areas and functions;
- i) the use will be compatible with existing development in the area; and
- j) lot frontage, depth and size of any lot proposed to be used or created is adequate for the proposed use and will comply with the requirements of the Zoning By-law.

**Non-Secondary Agricultural Related Commercial and Industrial Uses**

Agricultural Related Commercial and Industrial Uses that are not secondary to a farm operation may be permitted subject to the following criteria:

- a) an Official Plan Amendment is approved;
- b) a Site Plan Agreement may be required, to the satisfaction of the Township;
- c) compliance with Policies d), e), f), g), h) and j) above (Agricultural Related Commercial and Industrial Uses);
- d) the proposed use is directly related to the agricultural industry and requires a location in close proximity to agricultural activities;
- e) the proposed use is compatible with and will not hinder surrounding agricultural operations;
- f) the land does not comprise a specialty crop area;
- g) there is a demonstrated need within the planning horizon for additional land to be designated to accommodate the proposed use;
- h) there are no reasonable alternative locations which avoid prime agricultural areas; and
- i) there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands;

**Development Adjacent to Agricultural Designation**

Development proposals at the boundary between Settlement Areas or Hamlets and the Agricultural designation, shall include design measures to reduce impacts on an adjacent Agricultural operation, including, but not limited to incorporation of existing natural features and man-made features to provide for separation and buffering between rural and urban land uses.

Development agreements will be registered which will identify that agricultural operations are on-going in the area and that agricultural practices in the area may result in noise, odours, dust and other potential nuisances which are associated with normal farm practices.

The Zoning By-law will establish setbacks between residential dwellings proposed within Settlement Area or Hamlet designations adjacent to the boundary of the Agricultural designation.

**Minimum Farm Lot Size**

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**

Residential uses permitted in the Agricultural Area will be limited to:

- 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 requirements of the Zoning By-law and
- d) temporary residences for seasonal farm labour may be permitted or one permanent second farm residence may be permitted for full-time farm labour where the size and nature of the operation requires additional farm related employment.

#### **Re-Use of Existing Non-Agricultural Buildings**

Existing non-agricultural buildings within an Agricultural area may be reused in accordance with the policies for secondary uses for a use that is similar to the previous use or more in keeping with the surrounding Agricultural area. A Zoning By-law amendment will normally be required.

#### **Extraction of Petroleum Resources**

Extraction of petroleum resources is permitted in Agricultural areas provided that the site is rehabilitated to agricultural use and in accordance with Section 2.8.

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

#### **Transportation and Utility Corridors**

Where a new transportation or utility corridor is to cross 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 creating separate and distinct lots.

#### **Woodlots**

It is the policy of the Township that development in wooded parts of the Agricultural Area, including all major woodlots, be discouraged.

This Plan recognizes the importance of trees to agriculture due to their wind protection and moisture holding capabilities, and encourages reforestation and conservation of woodlots.

#### **New or Expanding Non-Agricultural Uses in the Agricultural Area**

New or expanding non-agricultural uses such as golf courses and campgrounds require an Official Plan Amendment and may be permitted subject to criteria b) through i) for Agricultural Related Commercial and Industrial Uses.

## **4.2 HAMLETS**

The Hamlets of Paynes Mills, Frome, Middlemarch, Iona, Iona Station, Southwold Station, and Lawrence Station are established clusters of non-farm residential uses, with minor community and service functions.

Hamlets are not intended to be centres of growth. Rather, new development will be limited to infill, rounding out and minor extensions and changes of use generally within the limits of existing built-up areas as defined in the Zoning Bylaw.

#### **Infilling, Rounding Out and Minor Extensions**

Infilling means the creation of a residential lot between two existing residences which are on separated lots and which are situated on the same side of the road within Hamlet designations.

Minor extensions and rounding out means the creation of lots adjacent to existing development within a Hamlet and which is intended to use the existing infrastructure and results in a minor increase of the built-up area.

New development may include low density residential, home occupations, bed and breakfast establishments, retail, service, office, automotive, institutional and open space uses, small-scale dry industry, and agricultural-related commercial and industrial uses. The uses permitted on any individual site will be subject to land use compatibility and the provision of adequate servicing.

Agricultural uses in Hamlets will be subject to the policies of Section 4.1, except that no new or expanded livestock facilities will be permitted.

Development proposals will generally be in accordance with the Development Adjacent to Agricultural Designation provisions found in Section 4.1, Agricultural.

## **4.3 SETTLEMENT AREA**

This Plan directs growth to Settlement Areas. The Settlement Areas of Talbotville, Shedden and Fingal, as shown on Schedule A, will accommodate the greatest amount of growth in residential, industrial and commercial development.

Settlement Areas are divided into Residential, Commercial, Industrial, Institutional and Open Space land use designations, as shown on Schedules A, A-1, A-2, and A-3, and as set out in this Section.

New development in Talbotville, Shedden and Fingal may include low-density residential, with some multiple unit development where adequacy of servicing is demonstrated, home occupations, bed and breakfast establishments, retail, service, office, automotive, institutional and open space uses, small-scale industry, and agricultural-related commercial and industrial uses. Clustering of new commercial uses within established commercial groupings will be encouraged.

Schedule A-4 identifies the North Port Stanley Settlement Area. New development may include low density residential, home occupation and open space uses. Development proposals are subject to Sections 4.3.4 and 5.7 of this Plan.

The uses permitted on any individual site will be subject to land use compatibility and the provision of adequate servicing, in accordance with Sections 4.3.4 and 5.7 of this Plan.

Agricultural uses in Settlement Areas will be subject to the policies of Section 4.1, except that no new or expanded livestock uses will be permitted.

Development proposals will generally be in accordance with the Development Adjacent to Agricultural Designation provisions found in Section 4.1, Agricultural.

#### **4.3.1 RESIDENTIAL**

##### **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.

##### **Separation of Residential Dwelling Types**

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.

##### **Density**

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, triplexes and building conversions.

Other residential uses permitted within Residential areas are:

- a) Medium-density dwellings up to a maximum density of 35 units per net hectare (16 units per net acre);
- b) Special residential uses such as group homes and senior citizens' accommodation.

##### **Compatible Uses**

Land uses compatible with dwellings and serving the needs of the local residents may 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.

##### **Access to Amenities**

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

**Greenfield, Infill, Intensification and Redevelopment**

Within Residential areas, the Township will encourage:

- a) Areas of new Greenfield development to take the form of extensions to the existing built-up area subject to the policies in Section 4.3.4 Undeveloped Lands in Settlement Areas.
- 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) 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.
- f) Redevelopment of lands to create higher residential densities or to remove existing obsolete uses will be encouraged if such redevelopment is compatible with the existing physical character and pattern of surrounding development.
- g) Development to proceed in such a manner so as not to impose a financial burden on the Township or municipal taxpayers.
- h) Compliance with Natural Heritage policies of this Plan.

**Efficient Development**

Residential development will be considered where services, roads and required community facilities can be provided economically and to accommodate population growth.

**Roads**

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.

**Increase in Density and Compatibility**

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.

**Phasing**

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

**Buffering From Agricultural Lands**

In cases where residential development is proposed on lands adjacent to or abutting agricultural lands, the Township 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 the site plan and/or subdivision agreements.

**Kettle Creek**

Development will complement/enhance the natural beauty of the Kettle Creek valley system. The aesthetic and environmental assets of the Kettle Creek valley system including the watercourse, valley and slopes shall be protected.

Council may request the valley lands for Kettle Creek and its tributaries be dedicated for public use. That dedication will not constitute a parkland dedication to the Township under the Planning Act.



### **Mixing of Densities**

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 Township 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, and compatibility with existing development patterns.

### **Applications for Medium Density Residential**

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

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

### **Special Residential Uses**

Special Residential uses include group homes as defined in the Zoning Bylaw, 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) The use should be compatible with the scale, density and character of existing or planned land uses;
- b) Provision should be made for adequate buffering to protect surrounding existing development;

- c) 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;
- d) 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 Medium 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 Bylaw.

### **Professional Offices**

Certain types of professional offices are compatible with a residential neighbourhood, and may serve as a needed function to nearby residents. Examples of such uses include a law office, doctor's office, chiropractic practice, dentist, or accounting practice. Development standards can blend such uses into the residential community so as to minimize undesired impacts.

Professional offices will be permitted in existing residential dwellings within the Residential Areas.

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

### **Development Guidelines**

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) Alternations to structures should not preclude the re-establishment of residential uses similar to those existing prior to the establishment of the professional practices.
- 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.

#### **Home Occupation**

Within a Residential Area, a home occupation will be clearly secondary to the residential use, and must be contained entirely within the residential unit in accordance with Sections 3.9.

#### **Bed and Breakfast Establishments**

Bed and Breakfast establishments within private homes may be permitted within Residential Areas.

- a) 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.
- b) The Zoning Bylaw will regulate the maximum number of rooms available to guests. (set out regulations for Bed and Breakfast establishments)
- c) Site size and servicing must be adequate.

### **4.3.2 GENERAL COMMERCIAL AREA**

#### **General Commercial Permitted Uses**

Within the General Commercial Area, the primary use of land will be for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services. Secondary permitted uses may include government and public offices and institutional uses such as schools, parks, recreation, libraries, and firehalls. Dwelling units secondary to commercial uses may also be permitted. Dwelling units secondary to commercial uses may also be permitted.

#### **Compatibility**

New development will be assessed with respect to its compatibility with intended adjacent land use designations and its contribution to the commercial structure of the Municipality.

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) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning Bylaw; and
- c) Adequate site landscaping using indigenous species, where possible, and maintenance of all lands.

#### **Form**

The General 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.

More than one commercial use may be permitted in a building on a lot.

### **4.3.3 INDUSTRIAL**

#### **Permitted Uses**

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.

#### **Accessory Commercial Uses, Parks and Open Space**

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

Parks and public open spaces uses are also permitted.

#### **Location of Accessory and Complementary Uses**

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.

#### **Outdoor Storage**

Outdoor storage of industrial materials and equipment will be permitted only as an accessory use to the permitted Industrial uses. Such outdoor storage will be adequately screened from adjacent properties and streets.

#### **Existing Residential Uses**

Adequate separation distances and buffering shall be provided between new industrial development and existing residences and residentially zoned land.

#### **Conversion of Industrial Lands**

Where lands are designated for industrial purposes and are proposed to be converted to non-employment purposes, an amendment to the Plan in accordance with a comprehensive review as set out in the Provincial Policy Statement shall be required. The lands shall not be required for employment purposes over the planning period; and the need for the conversion shall be justified.

#### **4.3.4 DEVELOPMENT OF LANDS IN SETTLEMENT AREAS**

Council may require the submission of documents and concept plans in support of development proposals that demonstrate that the proposal:

- is appropriate for the orderly development of the land;
- complies with applicable policies in Sections 5.0 Services and Utilities and 6.0, Implementation;
- compatible with surrounding land uses in the Settlement Area;
- is planned on a site with the size and shape to accommodate proposed uses;
- has identified appropriate location of vehicular access points;
- has no negative impact on surrounding natural features and areas;
- incorporates measures to mitigate any adverse impacts on surrounding land uses; and
- provides adequate water, sewer, and stormwater facilities.

#### **Justification for Interim Services in the Settlement Areas**

Settlement Areas are intended to be serviced with full municipal services. Where development is proposed to be serviced by other than full municipal services, justification will be provided by an Interim Servicing Study to demonstrate that private services will be acceptable for an interim period until full services are available.

An Interim Servicing Study will be required where a plan of subdivision or condominium creating 5 or more lots/units is proposed and may be required where the total number of new developable lots within the settlement area created through the consent process exceeds 5 lots/units.

The Interim Servicing Study will demonstrate the following:

- That the development will not preclude the efficient use of land when full services become available;
- That there is sufficient available reserve sewage system capacity and water system capacity, consistent with the definitions in the Provincial Policy Statement;
- That the development will not have a significant cumulative impact upon groundwater and the ability of the soils to assimilate effluent;
- That the proposed systems will satisfy the applicable development standards of the Township and the approval of the appropriate approval authority.

The landowner, at their expense, will be required to connect to the municipal water and/or sewage services at such time as the municipal water and/or sewage services become(s) available and will be required to decommission the interim service.

The Township will prepare Interim Servicing Studies. The preparation of Interim Servicing Studies by qualified professionals who are familiar with the preparation of such studies will generally be born by the owner or owners of properties that require the preparation of an Interim Servicing Study in support of a development proposal. Property owners are encouraged to cooperate and share the cost of the preparation of Interim Servicing Studies.

The Township has completed a Small Settlement Servicing Options study and will initiate Municipal Class Environmental Assessments in Settlement Areas in response to development pressures.

#### **Permitted Uses**

Areas will be zoned to allow a limited range of uses based on the nature of their existing use.

### **4.4 HIGHWAY SERVICE CENTRE COMMERCIAL**

#### **Permitted Uses**

Highway Service Centre Commercial uses are land uses that are functionally dependent upon proximity to a controlled access highway and include uses such as restaurants, accommodation uses, vehicle refueling facilities, tourist information centres, truck stops, transport terminals, custom bonding houses, and accessory uses. Uses that are secondary to or supportive of such uses will also be permitted.

Additional uses may include warehousing, wholesaling and storage; farm machinery sales and service; travel trailer, recreation vehicle and modular or mobile home sales and displays.

The extent and type of development will be regulated in accordance with the adequacy of servicing.

#### **Access**

Road Access will be subject to Local, County and Provincial road authority regulations and be limited in number.

#### **Zoning**

The Highway Service Centre Area may be initially zoned with a holding zone to establish the principle of development, and to ensure that all design, servicing, and access issues are satisfactorily addressed before any development proceeds.

#### **Staging**

Development may be staged so that the potential for environmental impacts can be monitored and appropriately addressed before any expansion is approved.

### **4.5 WASTE MANAGEMENT CENTRE**

The Waste Management Centre Designation applies to the area of the City of Toronto Landfill site. It includes sites and facilities to accommodate municipal solid waste and includes existing approved landfill sites, recycling facilities, transfer stations, processing sites, and compatible businesses and industries.

#### **Permitted Uses**

The main permitted uses are solid waste disposal and processing, resource recovery, recycling, waste transfer, and land uses which demonstrate compatibility with waste disposal sites such as biomass energy facilities.

#### **Community Economic Development**

The Township encourages diversification of activities within the Waste Management Centre area, and supports the development of partnerships with the community and First Nations businesses.

#### **Zoning and Provincial Approval for Compatible Uses**

The location of uses determined to be compatible with the waste disposal facility will require an amendment to the Zoning Bylaw and a Certificate of Approval and/or a Renewable Energy Approval in accordance with the Green Energy Green Economy Act from the Ministry of Environment if required.

#### **Zoning Adjacent Areas**

The Zoning Bylaw may place a holding provision or restrictive zoning on areas which have been identified as being impacted by the landfill site or other sites which produce gases, leachate, dust, odour or noise impacts similar to those found in landfill areas.

No development will be permitted within the identified influence area of the landfill until satisfactory measures have been implemented to mitigate the impacts from the landfill site. For the purposes of this Plan, the potential influence area involves a minimum 500m radius around the waste cells. This influence area may be reduced, as a result of more detailed site investigations, without amendment to this Plan.

#### **Development Proposals in Proximity**

Prior to consideration of development proposals in or within the influence of the landfill site, Council will require the completion of various studies, including but not limited to:

- a) Soil and groundwater samples;
- b) Potential human health concerns such as noise, dust and odours; and
- c) Tests for leachate and/or combustible gas migration.

#### **Wetland Rehabilitation/Kettle Creek Conservation Authority**

Council supports the establishment of a wetland rehabilitation project between Kettle Creek Conservation Authority and the owner of the lands.

### **4.6 OPEN SPACE**

#### **Municipal Wide Application**

All Open Space uses in the Township will be subject to the policies of this section.

#### **Natural Heritage and Hazard Lands**

Where components of the natural heritage system and hazard lands are included within the Open Space designation, the provisions of Section 2 concerning permitted uses within natural heritage areas and hazard lands shall take precedence.

#### **Permitted Uses**

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

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

- a) Golf courses and associated uses, such as accommodation, driving ranges and putting greens;
- b) Public and Private parks;
- c) Campgrounds;
  
- d) Cemeteries including crematoria;
- e) Non-commercial gardening including nurseries;
- f) Botanical gardens;
- g) Zoological parks;
- h) Swimming pools, skating rinks and ponds;
- i) Public trails;
- j) Accessory commercial uses and parking facilities;
- k) Parks and playgrounds;
- l) Stormwater management facilities; and
- m) Community centres and similar community or neighbourhood facilities.

#### **Zoning Bylaw**

The implementing Zoning Bylaw may zone Open Space uses in a separate zoning categories.

#### **Neighbourhood Parks Not Designated**

The Open Space Areas are intended to cover significant areas of parkland and open space. Neighbourhood Parks including parkettes and tot lots will not generally be designated as Open Space Areas.

#### **Lands in Private Ownership**

Where any land designated as Open Space is under private ownership, the Plan does not intend that this land will necessarily remain an Open Space use indefinitely, nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Township or any other public agency.

#### **Parks**

Within Settlement Areas, Community Parks and Neighbourhood Parks will provide for a range of recreational and open space opportunities.

### **Community Parks**

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

Community Parks will:

- a) Provide indoor and outdoor recreation facilities, and are a focal point for community activities;
- b) Provide predominantly for active recreational uses;
- c) Be accessible to the community; and
- d) Incorporate elements of the natural environment wherever feasible

### **Neighbourhood Parks**

Neighbourhood Parks are permitted uses in all land use designations. Neighbourhood Parks will generally consist of small children's play facilities at the neighbourhood level and greenbelt areas that serve individual neighbourhoods within a community. More specifically, Neighbourhood Parks will:

- a) Be accessibly located within a Neighbourhood;
- b) Provide opportunities for minor recreational activities; and
- c) Provide opportunities for passive enjoyment of the environment.

### **Interconnected Systems**

Where possible, open space areas will be interconnected. The Township will encourage the co-operation and participation of public agencies, service groups and private citizens in creating open space linkages.

### **Parkland Dedication**

Public open space will generally be acquired through the dedication of lands or the payment of funds pursuant to the provisions of the Planning Act, and will be provided in accordance with the following policies that will be applied throughout the entire Township:

- a) As a condition of residential development or redevelopment conveyance of land to the Township 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 re-development, the conveyance of land to the Township for park purposes will be required at a rate of 2 per cent of the land proposed for the development to the Township for park purposes, or cash in lieu thereof.

### **Cash-in-Lieu of Parkland**

Cash in lieu of dedicated parkland will be based on the appraised value of any land required to be conveyed for park or other public recreational purposes in accordance with the appropriate provisions of the Planning Act. Cash in lieu will be accepted if 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**

The Township 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 Township will be in a physical condition satisfactory to the Township considering the anticipated park use. The Township may accept some lands that contribute to linkages between existing parks in the system as part of the dedication at its discretion.

### **Other Agencies**

The Township encourages the assistance of service groups, businesses and private citizens in the provision of parkland or other public recreational purposes. The Township may seek agreements with other organizations, such as 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 community.

## 5.0 SERVICES AND UTILITIES

### 5.1 TRANSPORTATION

#### Provincial/County/Township Roads

Existing roads within the Township are separated into Provincial highways, County roads and local roads. The transportation system is shown on Schedule C. Local roads are intended to carry low volumes of traffic and provide access to abutting properties.

#### 5.1.1 CLASSIFICATION OF ROADS

The Township recognizes the County of Elgin Roads Plan and policies. These policies are consistent with Provincial and County policies.

All roads within the Township can be classified as follows:

- Provincial highways;
- County roads; and
- Local roads

#### Provincial Highways

Provincial Highways are under the control and jurisdiction of the Ministry of Transportation.

There are three provincial highways located within the Township of Southwold (Highway 401, Highway 3, and Highway 4) which are under the control and jurisdiction of the Ministry of Transportation (MTO). Additionally, MTO is protecting for a proposed provincial highway (Provincial Highway 3 New).

Provincial Highway 401 is an east-west controlled access highway that traverses the Township providing linkages to other areas of the province. Provincial Highway 3 is an east-west arterial. Provincial Highway 4 is a north-south arterial. Provincial Highway 3 (New) is an east-west designated corridor and shall be protected for a future Highway 3.

Access permits required for all development located adjacent to a Provincial Highway are subject to Ministry of Transportation approval.

The intended role, function, mobility and design characteristics of existing Provincial Highways are subject to the Ministry of Transportation policies, standards and best practices.

#### County Roads

County Roads generally function as arterial or collector roads and direct private access is controlled. The County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County discourages development which would inhibit traffic movement along the County road system.

On County arterial roads, where speeds and volumes are higher, mitigating measures that attenuate noise and vibration factors may be required. For high volume arterial roads, access shall be strictly controlled. Where such roads pass through Hamlets on Settlement Areas, the Township will encourage new development to face onto the Arterial Road although alternative access arrangements may be required to minimize direct access onto the Arterial Road. Agricultural, industrial, commercial and open space land uses are considered to be appropriate land uses adjacent to arterial County roads.

#### Local Roads

Local roads move traffic from arterial and collector roads to abutting properties. Township roads are intended to carry low volumes of traffic and provide access.

#### Suburban Links

Suburban Links are legs of roads that connect rural and settlement areas.

#### 5.1.2 ARTERIAL ROADS

##### Function

Arterial roads transport large volumes of traffic between the different areas within the Township and through the Township. Direct access is usually from other Arterial roads and Collector roads.

#### **Right-of-Way Width**

The minimum right-of-way width of Major Arterial roads, will generally be 36.5 metres (120 feet). The minimum right-of-way width of Minor Arterial roads will be 30 metres (98.4 feet). A greater right-of-way width will be provided for turning lanes at road intersections where required.

#### **New Development and Intersections**

In areas where new development is proposed, existing Arterial road intersections will be improved as required and 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**

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

#### **High Traffic Land Uses**

Land uses which generate high volumes of traffic, including truck traffic, will be encouraged to locate along Arterial roads.

#### **Truck Traffic**

The movement of truck traffic through the Township will be encouraged on Arterial roads.

### **5.1.3 COLLECTOR ROADS**

#### **Function**

Collector roads carry traffic volumes to and from major traffic generators or within or between residential neighbourhoods.

#### **Access**

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

#### **Right-of-Way Width**

Collector roads will have a minimum right-of-way width of 20 metres (66 feet) and a maximum road width of 30 metres (98.4 feet).

#### **Intersection Improvements**

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**

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.

#### **Setbacks**

The Zoning Bylaw will establish minimum setbacks for buildings along collector roads.

### **5.1.4 SUBURBAN LINKS**

#### **Function**

Suburban Links lead into Port Stanley and St. Thomas. Suburban Links function on roads that connect rural areas and settlement areas and are of relatively short length with relatively high traffic volumes.

#### **Access**

Opportunities for individual access to Suburban Links will be considered.

#### **Improvements and Setbacks**

Improvements and setbacks will generally be in accordance with Arterial Road policies

#### **Right-of-Way Width**

Suburban Links will have a minimum right-of-way width of 20 metres (66 feet) and a maximum right-of-way width of 24.5 metres (80 feet).



### 5.1.5 LOCAL ROADS

#### Function and Access

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

#### Right-of-Way Width

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 Township.

New road allowances less than the standard width may be considered depending on the length of the street and the nature of the development being proposed.

#### New Roads

New roads shall be constructed to municipal standards prior to their assumption by the municipality. Where new roads are proposed to intersect with a County road, the location design and construction of these roads at their point of intersection shall be subject to the approval of the County of Elgin.

Unless it is clearly in the public interest, no new roads shall be opened in the municipality.

An individual may, however, request that a road be opened provided that:

- a) the road is opened at the individuals expense; and
- b) the individual enters into a development agreement with the municipality for opening the road and bringing the road up to the minimum municipal road standards for assumption purposes.

Unless it is clearly in the public interest, existing private roads will not be assumed by the municipality and the municipality will not be responsible for access, snow removal, maintenance or use by school buses or public vehicles.

### 5.1.6 HERITAGE ROADS

#### Function and Access

Heritage roads function as local or collector roads in terms of the traffic volumes they carry.

Under the Highway Traffic Act, the Township may prohibit heavy truck traffic on any Heritage road.

#### Signage

Special signage to mark Heritage roads may be used on such roads with the approval of the Township.

### 5.1.7 ROAD POLICIES

#### Municipal Services

Services provided by the Township shall be permitted in all publicly owned road rights-of-way.

#### Public Utilities

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 Township) the additional land required to meet the minimum right-of-way standards.

#### Other Public Services

Electrical power transmission lines and pipelines for the transmission of oil, gas, 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**

The primary function of all road rights-of-way is to serve the transportation system needs of the Township. The secondary function of all road rights-of-way is to provide for the distribution of municipal services and utilities to inhabitants of the Township. 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 Township may direct the location or relocation of any fixture or thing (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.

### **Development Applications and Road Widening**

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

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.

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

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.

### **Private Roads**

New development will be prohibited on private roads, except within approved Plans of Condominium. The Township must be satisfied as to the adequacy of the private road to accommodate anticipated traffic.

## **5.2 PEDESTRIAN AND BICYCLE TRAFFIC**

### **Sidewalks and Walkways**

Provision will be made for sidewalks and walkways to enhance the convenience and safety of pedestrians.

Sidewalks will generally be provided within Settlement Areas, where Council deems it appropriate 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.

Council may consider measures to enhance the safety and convenience of facilities for cycling.

## **5.3 PARKING STANDARDS**

### **Minimum Standards**

The Zoning bylaw will establish minimum off-street standards for all land uses and forms of development.

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

### **Accessible to Disabled**

The Township will ensure the development of off-street parking facilities, whether public or private, in such a manner as to be accessible to the disabled in accordance with the Ontarians with Disabilities Act.

## **5.4 RAILWAY FACILITIES**

Residential and other sensitive development in the vicinity of active railway corridors will be studied to demonstrate that development can proceed without adverse impacts from noise, vibration or safety.

## **5.5 PUBLIC USES AND UTILITIES**

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.

#### **Compatibility with Residential Areas**

In Residential areas, the public services and facilities listed in this Section will be designed and constructed so that they are compatible with the surrounding Residential area.

### **5.6 ELECTRIC POWER FACILITIES**

#### **Electric Power Facilities Permitted in Any Designation**

All existing electric power facilities and the development of any new electric power facilities that operate at 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 Township regarding the location of new electric power facilities.

#### **Other Electric Facilities**

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.

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

#### **Secondary Uses**

Secondary land uses, which conform to this Plan and the Zoning Bylaw, 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.

### **5.7 SANITARY, WATER, STORMWATER MANAGEMENT,**

#### **5.7.1 SANITARY SEWAGE AND WATER SERVICE**

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

#### **Sanitary Sewage**

The Township has completed a Small Settlement Servicing Study to determine alternatives for providing municipal services to Settlement Areas. The Township will identify feasible servicing options for the Settlement Area communities of Talbotville, Ferndale and Lynhurst, Shedden, Fingal and North Port Stanley. The Settlement Area communities are identified on Schedules A, A-1, A-2, A-3 and A-4.

The Settlement Area communities of Ferndale and Lynhurst have full municipal services. The Settlement Area communities of Talbotville, Shedden and Fingal and North Port Stanley are serviced by municipal water supply systems and individual on-site sewage systems.

All new development, re-development, intensification and infill may be permitted where such development would constitute minor infilling or rounding out of existing development within the Settlement Area communities.

All new development which is not minor infilling or rounding out will require an Interim Servicing Study in accordance with subsection 4.3.4, Development of Lands in Settlement Areas.

Full municipal water and sanitary services are the preferred method of servicing new development in Settlement Area communities.

#### **Water**

The Township is serviced by the Elgin Area Primary Water Supply System and the St. Thomas Secondary Water Board. It is the intent of the Township that development within the Settlement Areas and Hamlets will be serviced by municipal piped water facilities. The developer will normally be responsible for the necessary extensions and/or enlargements. The Township may require the oversizing of watermains where future servicing extensions are anticipated.

New development shall demonstrate that there is reserve water system capacity.

Development may be permitted on private water systems where piped water is not available and an extension of services is not economically feasible, subject to compliance with Provincial Regulations regarding the adequacy of water quality and quantity.

#### **Rural Water Lines**

Where necessary to address failed private on-site water supply systems, the Municipality may consider extension of the municipal water supply system to service areas outside of settlement areas on a cost recovery basis and subject to the requirements of the Environmental Assessment Act and the approval of the Ministry of Environment and the Elgin Area Primary Water Supply System.

#### **Individual Sanitary Sewage Treatment and Disposal Systems**

New development, located outside of Settlement Areas and Hamlets, 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 shall obtain 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.

Development on private sanitary waste disposal systems shall be permitted in accordance with the requirements of the Ontario Building Code. Systems generating more than 10,000L/day are subject to the requirements of the Ministry of Environment.

#### **Industrial Servicing**

At the discretion of the Township in consultation with the Province, industrial areas may be permitted to develop on individual services

where specialized treatment related to industrial processes is required.

#### **Access to Municipal Sanitary Sewage Systems**

The Township will make no commitment or approve any development that would cause the capacity of the St. Thomas or Central Elgin's Port Stanley 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 and will require agreements with those municipalities.

## **5.7.2 STORMWATER MANAGEMENT**

The Township will require proper conveyance of stormwater flows and stormwater quality, quantity/flood protection and erosion control management for all proposed developments in accordance with the Ministry of Environment's requirements regarding Best Management Practices and the Ministry's Stormwater Management Planning and Design Manual.

#### **Retention and Detention**

Development proponents will be encouraged to employ Best Management Practices as the preferred strategy for the management of stormwater.

#### **Management Principles**

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 negatively impact the hydrology of natural or other environmentally sensitive areas;
- e) The Township may consult the local Conservation Authority, and the Province when considering all multiple land severances and plans of subdivision; and
- f) Stormwater management facilities require the issuance of a certificate of approval under the Ontario Water Resources Act.

Where deemed necessary by the Township, applications for development or re-development must be supported by a stormwater management plan.

### **5.7.3 MUNICIPAL AND AGRICULTURAL DRAINS**

The principles of natural channel design will be utilized in the construction or rehabilitation of drains where possible. This may include, where appropriate, the following:

- a) Grassed slopes and forms of indigenous 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, to protect drain banks, and to restrict cultivation near drain banks. Trees will be planted a suitable distance away from the drain in an appropriate location so as not to prohibit any required maintenance or work to the drain in the future; and
- d) Sediment ponds and/or sediment basins 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.

The discharge of any liquid or material or substance other than unpolluted drainage water into a drain is prohibited.

## **5.8 ALTERNATIVE AND RENEWABLE ENERGY SYSTEMS CONSERVATION AND GENERATION**

### **Support for Renewable Energy**

The Township supports energy conservation and the development of alternative energy systems in accordance with Provincial Policy.

### **Energy Conservation and Generation**

The Township will promote subdivision and site plan designs maximizing passive solar energy opportunities and other alternative energy sources, building designs and construction techniques which conserve energy.

The Township may use any energy conservation grants, loans and audit services to retrofit or renovate its older buildings and structures to incorporate energy saving mechanical, electrical and lighting systems.

The Township will promote educational programs that will increase public awareness of energy conservation.

## **5.9 SENSITIVE LAND USES**

### **5.9.1 LANDFILL SITES**

#### **Prohibition**

New landfill sites are prohibited. Expansions to existing landfill sites will require an Official Plan Amendment and a Zoning Bylaw Amendment.

Closed waste disposal sites located in the Township are located at Lot 14, 2<sup>nd</sup> Range North of Union Road; Lot 4, 1<sup>st</sup> Range West of River Road; Lot 3, 1<sup>st</sup> Range West of River Road; Lot 14 Concession 1; Lot 14, 1<sup>st</sup> Range South of Union Road; and Lot 10, BF. A

Provincially significant waste disposal site is located on Part Lot 21-23, Concession 3.

For 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 Township) 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 in accordance with the guidelines of the Ministry of Environment. 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 bylaw, Zoning Bylaw Amendment, Official Plan Amendment or other Planning Act approval will be adopted or granted until approval from the Province is obtained in accordance with Section 46 of the Environmental Protection Act, if more than 25 years has lapsed since the land ceased to be so used for waste disposal purposes.

## **5.9.2 SEWAGE TREATMENT FACILITIES**

### **Separation Distances from Sensitive Land Uses**

The Ministry of Environment recommends minimum separation distances between new residential developments and other sensitive land uses and existing sewage treatment facilities. The Ministry of Environment will be consulted to determine these separation distances within the Township or an adjoining municipality.

## **5.9.3 PUBLIC UTILITIES**

### **Underground Lines Required**

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

### **Multiple Uses of Rights-of-Way**

The Township 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.

Natural gas, oil and petrochemical commercial delivery pipelines will be installed within existing rights-of-way wherever feasible and practical. Wherever possible, 'easements' should be used to accommodate new utility corridors rather than creating new separate and distinct lots.

## **5.9.4 LAND USE COMPATIBILITY**

The proposed use of all land in the Township must be compatible with adjacent land uses, having regard for the Ministry of Environment 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 Township and the Province.

When processing development proposals such as severances, plan of subdivisions and re-zonings, it should be required, as a condition of approval, that any unused water wells on the property be plugged, according to Provincial Regulations, by a licensed well contractor.

When Township extends water lines, affected residents should be made aware of the Provincial requirements to properly plugging unused water wells.

The Township should support programs developed to assist landowners with the decommissioning of unused water wells.

## 6.0 IMPLEMENTATION

### 6.1 OFFICIAL PLAN REVIEW 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 the Official Plan conforms with Provincial Plans, has regard for matters of Provincial interest and is consistent with the policy statements issued under Subsection 3(1) of the Planning Act and that it accurately reflects the changing needs and circumstances in the Township.

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.

#### Monitoring

The Township will monitor factors such as population, land use, development trends, economic conditions, housing requirements, the supply, demand and availability of land for various land uses, the preservation and protection of agricultural land and natural heritage features and functions, the adequacy and availability of municipal services and facilities, the applicability of various government assistance programs and the negative impacts attributable to the implementation of any policy of this Plan.

#### Settlement Area Boundary Expansion

The boundaries of all Settlement Areas and Hamlets are deemed to be precise. Adjustments to a Settlement Area boundary or Hamlet boundary or a change in total land area within a Settlement Area or Hamlet will be subject to an amendment to this Plan. A proposal to expand the boundaries of a Settlement Area will only be considered through a comprehensive review of this Plan. A comprehensive review is an Official Plan review which may be initiated at any time by the Township

or an Official Plan Amendment which is initiated or adopted by the Township where it is demonstrated that:

- a) there is a need for the amount of land included in the proposed expansion area in the context of the supply of designated and available land to accommodate proposed growth through intensification, redevelopment and new development in the Township within the planning horizon;
- b) the expansion is a logical extension of the Settlement Area and is compatible with existing development and avoids linear development land use patterns along roads or watercourses;
- c) municipal sanitary sewage and water services will be provided and that there is reserve capacity to accommodate the proposed growth;
- d) storm water management facilities are provided;
- e) the land is physically suitable for development, considering any constraints, such as Hazard Lands and Natural Heritage Features;
- f) the transportation network can reasonably accommodate the additional volume of traffic and demand for services;
- g) suitable community and public facilities are available, or can be provided to accommodate the expansion area;
- h) the lands do not comprise specialty crop areas;
- i) where agricultural areas are included, they are lower priority agricultural land, or there are no reasonable alternatives to agricultural lands;
- j) the proposed expansion will not negatively affect cultural heritage resources; and
- k) the proposed expansion satisfies the Province's Minimum Distance Separation Formulae, and impacts from new or expanding Settlement Areas on Agricultural Areas are mitigated to the extent feasible.

### 6.2 ZONING BYLAWS

The Zoning Bylaw 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 Township. All lawfully existing uses that comply with the provisions of this Plan may be recognized in the implementing Zoning bylaw.

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

### **6.3 HOLDING ZONES**

Council may place certain lands in a holding ('H' or 'h') zone in conjunction with any zoning category under the Planning Act.

### **6.4 TEMPORARY USE BYLAWS**

Council may, in a Bylaw passed pursuant to the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose that is otherwise prohibited by the Bylaw. As these uses will be temporary, this does not have to be limited to uses that conform to the Official Plan. A Bylaw 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 Bylaw (ten years in the case of garden suites). These time periods may be extended by Bylaw for additional three year terms. The temporary use will not become a legal non-conforming use at the date of expiry of the Bylaw.

### **6.5 EXISTING, NON-COMPLYING AND NON-CONFORMING USES**

#### **6.5.1 EXISTING USES**

Uses that are legally in existence on the date of the adoption of this Plan by Council, may be recognized in the implementing Zoning bylaw within their existing site, provided Council determines that such uses do not impose negative impacts on neighbouring properties.

#### **6.5.2 NON-COMPLYING USES**

In some cases a land use may be recognized as a permitted use under the implementing Zoning bylaw but may be non-complying with respect to various regulations of the Bylaw. This can be the result of a change in the standards of the Township.

In such cases, the Zoning Bylaw 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 Bylaw 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 Bylaw.

#### **6.5.3 NON-CONFORMING USES**

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

##### **Continuation of Use**

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

##### **Extension or Enlargements**

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**

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 designation and policies of this Plan;
- b) the feasibility of acquiring the property pursuant to the Planning Act;
- c) the possibility of relocating the use;
- d) the impact of the proposal on the immediate area;
- e) the size of the enlarged operation related to the existing use;
- f) the degree to which any objectionable features of the use may be increased by the proposal;
- g) the possibilities of reducing the objectionable features through landscaping, buffering, etc.;
- h) the adequacy and availability of municipal services;



- i) the impact of the proposal on natural heritage functions, features and linkages;
- j) the effect of existing natural and human made hazards; and
- k) the adequacy and availability of sanitary sewage, storm water management facilities and water services.

**Replacement or Repair**

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

**6.6 SITE PLAN CONTROL**

**6.6.1 ESTABLISHMENT OF SITE PLAN CONTROL AREA**

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

The Council may, by Bylaw, designate the whole or any part of the Township as a site plan control area, either geographically or by

reference to one or more zones contained in the implementing Zoning Bylaw. 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 Bylaw.

**6.6.2 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 Township may develop Site Plan guidelines that can be used by development proponents when preparing their site plans, and by the Township when reviewing site plans.

**Conditions to Approval of Plans**

As a condition to the approval of the plans and drawings, the Township may require the owner of the land to:

- a) provide to the satisfaction of and at no expense to the Township 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 materials;
  - viii) easement conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township or local board thereof on the land;
  - ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
  - x) Council may require plans and elevations for structure's exterior character, scale, appearance and sustainable design; and
  - xi) access for persons with physical disabilities in accordance with the Ontarians with Disabilities Act.
- b) maintain to the satisfaction of the Township and at the sole risk and expense of the owner any or all of the facilities or works, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
  - c) enter into one or more agreements with the Township 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 plans and drawings. Such agreements may be registered against the land to which they apply.

A Site Plan agreement pursuant to the Planning Act shall be required in most instances. Financial Security shall be required to ensure due performance.

## **6.7 COMMITTEE OF ADJUSTMENT**

### **6.7.1 GUIDELINES FOR VARIANCE/NON-CONFORMING USE CONSIDERATION**

#### **Minor Variance**

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

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

#### **Non-Conforming Use**

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

- a) has the non-conforming use continued from the date of passing of the Zoning Bylaw 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 Bylaw was passed;
- d) would any change of use be similar to the previous use or be more compatible with the uses permitted by the Bylaw;
- 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.

**Permission Regarding Use**

When dealing with an application for permission regarding a use defined in general terms, the Council 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 Bylaw.

**6.8 LAND DIVISION**

**6.8.1 SUBDIVISION/CONDOMINIUM**

In addition to those criteria contained in Section 51(24) of the Planning Act Council will evaluate applications for plans of subdivision on the basis of criteria such as, but not limited to, the following:

- a) The plan of subdivision is consistent with the objectives and policies of the Official plan.
- b) The plan of subdivision can be adequately serviced with water and sewage treatment systems, and without requiring an undue financial commitment from the Township.
- c) The plan of subdivision can be adequately serviced with and makes suitable provision for services including, but not limited to, public streets, water, storm sewers, waste collection and disposal, public utilities, fire and police protection, parks, schools, and other community facilities.
- d) A residential plan of subdivisions will not normally be exposed to excessive noise levels or other significant negative impacts associated with nearby activities.

- e) The plan of subdivision is designed is designed to reduce any negative impact on surrounding land uses, the transportation network, or significant natural features.
- f) The plan of subdivision is designed to integrate with adjacent lands having comparable uses.

**Draft Plan and Final Plan Approval**

As a condition of draft plan approval, the Township may require applicants to satisfy certain conditions prior to final approval and registration of the plan of subdivision. The applicant may be required to meet conditions of draft approval within a specified time period, failing which, draft plan approval may lapse. To provide for the fulfillment of these conditions and for the installation of services according to municipal standards, the Township shall require an applicant to enter into a subdivision agreement prior to final approval of the plan of subdivision.

**Exemption from Part-Lot Control**

In accordance with the provisions of the Planning Act, Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. Exemption from part-lot control will not be supported for the creation of a private road which serves free-hold lots.

**Plans of Subdivision Deemed not Registered**

In accordance with the provisions of the Planning Act Council may by by-law deem any part of a registered plan of subdivision not to be a plan of subdivision.

**6.8.2 CONSENT GUIDELINES**

In addition to those criteria contained in Section 51 (24) of the Planning Act, the following policies will apply to Land Division within the Township of Southwold:

- 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, points of access, and compliance with the Zoning By-law.
- b) The lot must front onto and have direct access to an improved public

roadway that is maintained on a year round basis and is of a standard of construction adequate to accommodate the additional traffic generated.

- c) Severances will not be granted where access to the lot will create a traffic hazard because of limited sight lines or proximity to an intersection.
- d) Severances may be granted to adjust lot boundaries or to increase the size of existing substandard lots, provided that no new undersized lot is created.
- e) The severance must not result in landlocked parcels.
- f) The soil conditions must be appropriate for the services proposed, and all private water supply and/or sewage disposal must meet the requirements of the Province and the Township.
- 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 and has been approved by the affected Conservation Authority.

As a condition of consent approval, cash payment in lieu of dedication will be required for each new lot created for residential, commercial or industrial purposes.

### **6.8.3 MULTIPLE CONSENTS**

In some cases, multiple lot consents to sever may be more appropriate than proceeding through a plan of subdivision. In order to ensure that the multiple severance process does not circumvent proper planning procedures and principles, the following policies apply.

Multiple lot consents may be permitted provided that:

- a) the proposed lots front onto an existing road of adequate construction;
- b) only minor extension of services is required;
- c) the lands are located in a settlement area;
- d) the application of the criteria in Section 4.3.4 Undeveloped

Lands in Settlement Areas to determine the need for subdivision; and

- e) the total number of lots created by consent from a parcel of land in existence as of October 7, 1985, will generally be limited to a total of five, including the retained lot.

### **Severance Agreement**

Any consent for lot creation may be subject to a comprehensive severance agreement entered into with the Township. This agreement would be similar to a subdivision agreement and will ensure provision of services to municipal standards.

### **6.8.4 NEW FARM LOTS**

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 Bylaw;
- d) despite the lot area requirement of this Section, 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 may 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.

### 6.8.5 NON-FARM LOT SIZE

All new non-farm lots will be limited in size so that a minimum of land is taken out of agricultural 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.

### 6.8.6 AGRICULTURAL CONSENT POLICIES

Land severances in the Agricultural Area may be permitted:

- a) to create rights-of-way;
- b) to enlarge lots provided that:
  - i) the viability of the retained lot as a farm parcel is not threatened;
  - ii) where the proposed enlargement is for a non-farm use justification through an amendment to this Plan is required to demonstrate that the land does not comprise a specialty crop area, there is a need within the planning horizon for additional land and there are no reasonable alternative locations for the expansion which avoid prime agricultural areas; and
  - iii) the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the *Planning Act*.
- c) to consolidate farm holdings;
- d) to allow minor lot adjustments which do not result in the creation of a new lot;
- e) a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:
  - i) the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;

- ii) the non-farm parcel will be zoned to recognize the non-farm residential use; and
- iii) Minimum Distance Separation I provisions can be met;
- f) for agricultural-related uses, in accordance with Section 4.1.

### 6.9 CAPITAL WORKS

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

### 6.10 FINANCIAL RESTRICTIONS

The ability of the Township 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.

### 6.11 ECONOMIC DEVELOPMENT

The Township in cooperation with the County shall monitor the location, type and characteristics of business and the supply of serviced lands for business. The Township may participate in inter-municipal co-operative efforts in connection with the location of business.

The Township shall support community economic development initiatives.

## **6.12 DEVELOPMENT APPROVALS**

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

- a) investigating and implementing measures to eliminate duplications, consolidate responses, and reduce time delays;
- b) enforcing reasonable time deadlines;
- c) encouraging proponents of development proposals to consult with staff prior to the submission of applications;
- d) monitoring approval processes and setting time-frame targets for processing applications; and
- e) supporting the co-ordination of the Ministry of Environment requirements and Ontario Environmental Assessment Act requirements with development approvals under the Planning Act.

## **6.13 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.

### **6.13.1 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.

The boundaries of all Settlement Areas and Hamlets are deemed to be precise in accordance with Section 6.1, Official Plan Review and Amendment.

### **6.13.2 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.

### **6.13.3 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. Changes to the text, tables, figures or schedules to this Plan to correct grammatical, spelling, or reference errors or updates, punctuation, formatting, numbering or sequencing or modification of illustrations may be made without an amendment to this Plan.

### **6.13.4 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 a use is specifically prohibited.

### **6.13.5 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.

## **6.14 PUBLIC INFORMATION**

### **Public Information Program**

A public participation program including affected First Nations will be undertaken in conjunction with the preparation and review of any Official Plan, Community Improvement Plan or Zoning Bylaw. 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 a Committee of Council.

## **6.15 DOCUMENTS TO SUPPORT AN APPLICATION**

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

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

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

Required studies shall include, but are not limited to:

- a) Environmental Impact Study (EIS) in accordance with the requirements of Section 2 of this Plan.
- b) Phase 1 Environmental Site Assessment if, in the opinion of the Township, the existing or previous uses of the site or adjacent lands create a potential for site contamination.
- c) Planning Justification Report.
- d) Preliminary Servicing Study.
- e) Archaeological Assessment.
- f) Heritage Impact Assessment
- g) Flooding and Erosion Report.
- h) Geotechnical Report.
- i) Hydrogeological Report.
- j) Noise/Odours/Nuisance/Dust/Vibration Study.
- k) Stormwater Management Report.
- l) Traffic Impact Study.
- m) Financial Impact Analysis.
- n) Agriculture Impact Assessment Report.
- o) Interim Servicing Study

## APPENDIX 1

### ENVIRONMENTAL IMPACT STUDY

An Environmental Impact Study (EIS) will include:

- a) A proposal including a description of the proposed use:
  - i) current land use, existing land use regulations, and ownership of the subject land and land adjacent to the proposed location;
  - ii) the timing of construction/development, including any phasing of the development;
  - iii) alternative forms the development may take;
  - iv) activities associated with the proposal, and its alternatives that may have impacts (e.g. work on stream banks, tree-cutting, removal of vegetation, earth-moving, excavation and post-construction activities);
  - v) a list of relevant reports and supporting studies that have been completed for the site;
  - vi) a general map showing main roads, proposed lot lines, building envelopes, laneways, septic systems, wells and waterline locations, the extent of the proposed vegetation removal, surrounding Natural Heritage Features or Areas, and other features as required through the EIS pre-consultation; and
  - vii) approval of all relevant agencies.
- b) A biophysical inventory of the resource, including:
  - i) if not specified during the EIS pre-consultation, an explanation and justification of the level of investigation undertaken whether data is gathered from existing sources, or a limited or detailed field inventory is undertaken; and
  - i) if not specified during the EIS pre-consultation, a biophysical inventory identifying:
    - Physical and hydrologic features including:
      - Landform;
      - Soil types and drainage characteristics;
      - Overburden and bedrock geology;
      - Areas of high water table;
      - Areas of groundwater recharge and discharge;
      - Location and usage of wells;
    - Drainage patterns;
    - Basin boundaries and watercourses;
    - Existing erosion sites; and
    - Areas of shallow soil.
- c) An assessment of the impacts of the proposal describing the significance of negative or positive impacts on the Provincially Significant Features, Natural Heritage Features, functions or areas, on the subject land, and adjacent lands. Specifically, the assessment should identify and assess:
  - Native plants and animals;
  - Significant wildlife habitat;
  - The delineation and mapping of natural vegetation on the subject land, and adjacent affected lands, using the Ministry of Natural Resources Ecological Land Classification for Southern Ontario;
  - The delineation and mapping of wetlands on the subject land, and affected adjacent lands, using the Ministry of Natural Resources Ontario Wetland Evaluation System for Southern Ontario;
  - The environmental significance of the physical, hydrological, and natural features on the subject land, and affected adjacent lands, based on criteria outlined in the current natural areas inventory for the County, and Ontario Ministry of Natural Resources “Significant Wildlife Habitat Technical Guide”;
  - If the subject land is within or adjacent to a significant woodland, or a potentially significant woodland, and if so, the inventory will include:
    - The location of native plant and animal species;
    - Physical and hydrologic features;
    - The location of potential linkages to connect woodlands within and adjacent to the proposed development site;
    - Whether the woodland is currently being managed; and
    - The presence of trees 150 years or older.
  - The location and presence of Species at Risk (SAR) as identified federally or provincially; and
  - Any other natural features such as hedgerows, windbreaks, isolated tree groupings, wildlife nesting or staging areas, linkages with other natural areas and wildlife corridors; and
  - The reasoning behind the choice of study areas within and adjacent to the proposed development site, and the seasons and times of year of the inventory.
- c) An assessment of the impacts of the proposal describing the significance of negative or positive impacts on the Provincially Significant Features, Natural Heritage Features, functions or areas, on the subject land, and adjacent lands. Specifically, the assessment should identify and assess:



- i) on-site negative impacts (e.g. elimination of habitat);
  - ii) off-site negative impacts (e.g. sediment transported downstream);
  - iii) short-term and long-term negative impacts including cumulative impacts;
  - iv) effects on the use of Natural Heritage Features, functions, or areas by people (e.g. recreational or educational uses); and
  - v) an explanation of the method used to determine the negative impacts.
- d) Identification and evaluation of negative impact avoidance, enhancement and mitigating measures proposed, including, but not limited to:
- i) the identification and assessment of all feasible mitigating measures;
  - ii) the identification of negative impacts that can be reduced or eliminated by the application of appropriate mitigating measures;
  - iii) a detailed description of the proposed mitigating measures to eliminate or reduce the negative impacts;
  - iv) the relative effectiveness of implementing these mitigating measures should be estimated, and the extent and significance of any remaining negative impacts discussed; and
  - v) opportunities for the enhancement of the Natural Heritage Feature, function, or area resulting from positive impacts.
- e) Recommendations and conclusions based on the above evaluation of negative impact avoidance, enhancement and mitigating measures will outline the preferred alternative for negative impact avoidance, enhancement and mitigation including:
- i) modifications to the concept plan or site plan;
  - ii) construction requirements or constraints;
  - iii) integral components of detailed designs or site plans, such as surface water/stormwater management plan, erosion control plan, tree protection plan, rehabilitation / landscape management plan, or wildlife management plan;
  - iv) appropriate buffers/setbacks; and
  - v) other protection measures.
- f) Summary consisting of a brief overview of the proposal, the effects on the feature, function or area and a statement of opinion from a qualified professional on whether or how the development could proceed without negatively impacting the values of the natural heritage feature, function or area.