

**BROOKE
ALVINSTON**

OFFICIAL

PLAN

**Lambton County
Planning & Development
Department**

**Office Consolidation
June 2024**

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OFFICE CONSOLIDATION

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

PART A: INTRODUCTION

1.0 Purpose of the Plan

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

The policies contained herein, together with any Land Use or other Schedule(s) and any amendment(s), which are adopted and finalized pursuant to the *Ontario Planning Act*, constitute the Official Plan for the Municipality. The policies contained herein are established primarily to guide the physical development of the Municipality while having regard to relevant social, economic and environmental matters.

The purpose of these policies is:

- to provide a planning policy framework for decision-making by the Municipality, its Committees and other public bodies;
- to serve as a guide for the public and the business community regarding the growth and development of the Municipality;
- to provide a local context for the application of Provincial and County planning policies; and,
- to build strong, liveable and healthy communities that are resilient to climate change.

1.1 Organization of the Plan

This Plan is organized into five parts, as follows:

Part A: The introduction details the purpose, effect, and basis underlying the Plan.

Part B: This part contains sections that describe the land use designations that apply across the Municipality. Together with the land use maps, these designations will help implement the strategy for managing change set out in Part A.

Part C: This part includes policies for Municipal systems: transportation, public utilities, municipal services, and energy systems.

Part D: This part includes policies for design, community development, built heritage, and other matters related to building complete communities.

Part E: This part explains how the Municipality will implement the Official Plan using development approval processes and planning tools.

Schedules, Maps and Appendices: Schedules, Maps and Appendices are found at the end of the Plan. The Schedules, which form part of this Plan, provide an illustration of the overall growth strategy and natural heritage system for the Municipality. The maps and appendices provide additional mapping of features the geography of which is relevant to the Plan but maintained by others external to the Municipality.

1.2 Growth

The Municipality of Brooke Alvinston is planning for growth on the following basis as identified in the County of Lambton Official Plan:

a) To 2031:

Projected Population:	2,028 to 2,581
Projected Annual Dwelling Units:	5

The projected population and projected annual dwelling units are targets and are not considered maximum figures or caps.

b) From 2031 to 2046, growth shall be addressed as follows:

- i. A land supply for growth in excess of 25 years was determined to be available for the Municipality as part of the preparation of the County of Lambton Official Plan approved in 2018;
- ii. The County of Lambton will prepare an updated projection of population growth and housing growth prior to 2031 as part of a planned update to
- iii. the County Official Plan; and,
- iv. The Municipality of Brooke Alvinston Official Plan will be updated to include projected population and dwelling units upon the conclusion of the update by the County of Lambton.

1.3 A Role for Process: Development Applications

The role of the Official Plan is to provide general guidance for development that applies on a Municipality wide basis related to land use including designations and permissions. The policies of this Plan also provide guidance to inform development application processes and area-specific planning processes. The specific role for development applications like Official Plan Amendments, Zoning By-law Amendments and minor variance applications acknowledge that Municipality wide policy cannot anticipate every circumstance related to a site or a development. The Official Plan has policies to ensure that development

applications are considered against the policies of this Plan so that the outcome of a development application addresses the public interest.

2.0 Effect of the Plan

The Plan will provide guidance for the development and planning of land uses for a period extending to the year 2046. Except as provided for under the *Ontario Planning Act*, no public work shall be undertaken and no By-law shall be passed for any purpose that does not conform to the Plan.

Review and Amendments to the Plan

Amendments to this Plan will be made to ensure conformity with the County Official Plan Policies and the Provincial Policy Statement 2020 (PPS 2020). No amendment will be made to this Plan, which would not be in conformity with the County Official Plan Policies. It is the intention of this Plan that amendments shall only be required when it is deemed desirable to change the policies due to changing economic, social, and environmental circumstances.

3.0 Basis of the Plan

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

4.0 General Development Concept

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

PART B: LAND USE POLICIES

1.0 Agricultural Area

1.1 Permitted Uses

In the Agricultural Area the main permitted uses of land are agricultural uses.

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

1.2 Other Permitted Uses

Other uses permitted will include:

- a) On-farm diversified uses that are secondary to the principal agricultural use of the property and are limited in area. Such uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-Add agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.
- b) Agriculture-related uses that are farm-related commercial and farm-related industrial uses directly related to farm operations in the area, that support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.
- c) Parks and recreation uses in accordance with policy 1.18;
- d) Fish and game farms;
- e) Forestry, including sawmills;
- f) Petroleum resources exploration and extraction facilities;
- g) Conservation uses;
- h) Limited residential uses;
- i) Parks and recreation uses in accordance with the following:
 - i. there is justification provided for the use;

- ii. the proposed location is suitable for the use and there are no reasonable alternative locations available that would be more appropriate;
 - iii. Class 1 to 3 soils are avoided, where possible;
 - iv. where it is necessary to use Class 1 to 3 soils, the least productive agricultural lands should be used;
 - v. the use will have a minimal negative impact on farming activities and will be subject to the natural heritage policies of this plan;
 - vi. an adequate potable water supply and sewage disposal system can be provided; and,
 - vii. the lands are designated in the official plan and zoned for the proposed use.
- j) Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.” after “farm operation on the property.

1.3 Agricultural Uses

Agricultural uses will be given the highest priority in the Agricultural Area. Land uses that do not require a location in the Agricultural Area and most non-farm development will be directed to Urban Settlements or Secondary Settlements in order to preserve agricultural land and to avoid conflicts between farm and non-farm uses.

Recreational, cultural, and open space uses are discouraged in the Agricultural Area, but may be permitted through site-specific Official Plan Amendments as "agricultural exceptions", provided it is demonstrated that all of the following criteria are met:

- a) there is an identified need or demand for additional land to be designated within the planning horizon to accommodate the proposed use;
- b) the proposed location is not in a specialty crop area;
- c) alternative locations have been evaluated and:
 - i. there are no reasonable alternative locations which avoid prime agricultural areas;
 - ii. there are no reasonable alternative locations with lower priority agricultural lands;
- d) the use will have a minimal negative impact on farming activities and will be subject to the natural heritage policies of this Plan;

- e) the proposed use complies with the minimum distance separation formulae;
- f) an adequate potable water supply and sewage treatment and disposal system can be provided;
- g) the lands are designated in this Plan and the zoning by-law as a site-specific "agricultural exception" specific to the proposed use; and,
- h) the lands remain part of the Agricultural Area designation and the long-term intended use of the lands remains agricultural.

1.4 Lot Size

The minimum lot size for agricultural uses will generally be 38 hectares in order to discourage the unwarranted fragmentation of farmland. This Plan supports the provision of agricultural land parcels of sufficient size for long term agricultural use recognizing the need to maintain maximum flexibility for farm operators to engage in differing types and sizes of agricultural operation. Existing undersized farm parcels are encouraged to amalgamate with adjoining farmlands, where possible.

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

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

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

right to farm concept

- 1.5** In the Agricultural Area agriculture is the primary long term land use. Other uses, particularly non-farm residential, are attracted to the Agricultural area by lower land prices, and by the image of quiet, peaceful open space. Normal farm practices create odours, noise and dust light, vibration, smoke, and flies associated with livestock, and heavy machinery, and involve early morning and late evening activities especially during planting and harvesting periods.

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

minimum distance separation

- 1.6** New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the Minimum Distance Separation (MDS) formulae as implemented through the Zoning By-Law. The MDS formulae are formulae developed by the Province to separate livestock facilities and other land uses so as to reduce incompatibility concerns about odour from livestock facilities. The MDS I formula provides minimum distance separation for new development from existing livestock facilities. The MDS II formula provides minimum distance separation for new or expanding livestock facilities from existing or approved development.

Notwithstanding anything to the contrary, when implementing this Section:

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

- ii. when a previous reduction has been granted for the same farming operation.

agricultural practices

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

- a) cultivation methods aimed at minimizing erosion;
- b) re-establishment of natural features;
- c) planting of stabilizing vegetation on creek flats and slopes to minimize erosion and run-off;
- d) proper construction of drainage tile outlets to minimize erosion along water courses;
- e) limiting livestock access to watercourses;
- f) appropriate application of fertilizers and herbicides to minimize chemical run-off;
- g) proper storage, handling and disposal of hazardous and non-hazardous pollutants;
- h) maintaining a buffer strip along watercourses, ditches and open drains; and
- i) farm Nutrient Management Plans.

new farm lots

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

- a) the severed and retained lots are of sufficient size for agricultural use, including adequate land for manure utilization from livestock on the property;
- b) the severed and retained lots are of a nature and size, and have soil and drainage characteristics that are suitable to support an efficient farm unit and to provide meaningful on-site farm employment;
- c) the size of the severed and retained lots conforms to the requirements of the Zoning By-law;
- d) despite the lot area requirement of Section 1.4 above, land may be severed from a farm parcel for lot addition purposes provided that the retained lot is a minimum of 38 hectares and the severed land is added to an abutting agricultural land holding.

on-farm diversified use

- 1.9** On-farm diversified uses will be strongly encouraged in order to provide farmers greater opportunity to obtain additional sources of income and to promote entrepreneurship, innovation, and business incubation.

Such uses will be subject to the following policies:

- a) the activity is limited in area and secondary to the main farm operation or residence;
- b) the uses may include home occupations, home industries (including but not limited to auction establishments, agricultural consultants, and agricultural service establishments for the purposes of buying and selling commodities and services that support agricultural uses), bed and breakfast, and uses that produce value-added agricultural products from the farm operation on the property;
- c) any buildings or structures associated with such uses should be of a design and style that will allow for ease of conversion to an agricultural use if the secondary use should cease;
- d) appropriate development standards must be contained in the Zoning By-law regarding the maximum floor area for such uses, signage, access, parking, outside storage, separations from sensitive uses, and other appropriate restrictions;
- e) site plan approval and site plan agreements will be required where the general public may be permitted on site;
- f) the severance of on-farm diversified uses from the farm lot will not be permitted;
- g) in rural areas, greater separation and the ability to provide buffers generally exist and certain home occupations that would not be appropriate in residential areas may be permitted;
- h) uses that have more substantial objectionable features may be restricted where adequate separation and/or buffering requirements cannot be met from sensitive uses;
- i) uses that have highly objectionable features by reason of noise, smoke, dust, fumes or other emissions, the hours of operation, outdoor activities or storage of equipment or materials or have potential to lead to serious site contamination will not be permitted as home industries;
- j) the rural character and the long-term agricultural viability of the site and area is protected;

- k) the use will be compatible with and not hinder surrounding agricultural operations;
- l) Adaptive re-use of surplus farm facilities on existing farms for on-farm diversified uses, and agri-tourism uses at a scale that is appropriate to the farm operation will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.

agricultural related uses

1.10 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, bulk farm supply dealers, farm machinery sales and service, and livestock assembly points.

Such uses will be subject to the following policies:

- a) the use is directly related to the agricultural industry and requires a location in close proximity to agricultural activities;
- b) the need and demand for the use at the location proposed can be demonstrated to the satisfaction of the Municipality;
- c) the use is not located in a specialty crop area. Otherwise, the use is to be located on the least productive agricultural land, where possible;
- d) the use is located on a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses;
- e) the requirements of the Province, the County, and the Municipality (or its designated agent) regarding water supply and sewage disposal can be met;
- f) a site-specific Zoning By-law amendment is obtained specifically permitting the agriculture-related use;
- g) the use is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agricultural operations;
- h) the use does not negatively impact the Natural Heritage System;
- i) the use will be compatible with existing development in the area; and
- j) site plan approval and site plan agreements may be required.

- k) severances for agricultural-related commercial and industrial uses is discouraged but may only be permitted where the lot is being severed from an agricultural lot that is 38 hectares in size. Despite this lot area requirement, the lot may be severed from an agricultural lot that is less than 38 hectares provided that the agricultural land is added to an abutting agricultural lot. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.
- j) the nature of the use complies with any limits specified in this Plan, particularly respecting the types of uses that shall qualify as agriculture-related uses;
- l) a minimum of land is removed from agricultural crop production;
- k) the use would maintain the agricultural character of the area;
- l) adaptive re-use of surplus farm facilities on existing farms for agricultural related uses will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.

residential uses

1.11 Residential uses permitted are as follows:

- a) New single detached dwellings accessory to agriculture;
- b) Existing single-detached non-farm dwellings;
- c) New single-detached non-farm dwellings, constructed on vacant lots existing on the date of adoption of this Plan, and held in distinct and separate ownership from abutting lands, subject to the following conditions:
 - i. the lot is suitable for residential construction;
 - ii. the lot meets the requirements of the Province, the County, and the Municipality regarding water supply and sewage disposal;
 - iii. dwelling is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agriculture activities;
 - iv. direct access is available from an improved year round public road and the access does not result in traffic hazards due to poor sight lines or proximity to an intersection; and,

- v. where access is available to a public road across an abandoned railway line it shall be accepted as access to an improved public road.
- d) The creation of an additional dwelling unit within single detached dwellings or accessory farm buildings shall be subject to the following requirements:
 - i. The lot size and configuration are sufficient to accommodate adequate parking and open spaces;
 - ii. The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;
 - iii. Additional dwelling units shall be permitted in compliance with all relevant Zoning By-law provisions;
 - iv. Additional dwelling units, while permitted in basements, are not to be permitted in the cellar area of a dwelling;
 - v. The availability and adequacy of municipal services to accommodate the increased density;
 - vi. There is sustainable private sewage disposal and water available for the additional dwelling unit.
- e) Where a habitable dwelling existed prior to the adoption of this Plan, a consent to sever a lot containing the dwelling may be granted if that residence becomes surplus to a farming operation as a result of a farm consolidation provided that:
 - i. The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;
 - ii. The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary by the appropriate authority to support a well and private sewage disposal system;
 - iii. The farms are both located within the Municipality;
 - iv. The new lot is located to minimize the impact on the remaining farm operation; and,
 - v. The new lot complies with the MDS Formula.

- f) The following process shall be required for a surplus farm dwelling outlined in 1.11 e):
 - i. The rezoning application for the proposed surplus farm dwelling and the rezoning application for the retained lands shall be approved by Council;
 - ii. No application for consent for the surplus farm dwelling will be accepted nor will a decision be made on the consent application until Council has approved the rezoning as identified in Clause a.
- g) Permitted residential uses may include accessory uses, including home occupations and bed and breakfast establishments. All accessory uses including home occupations, home industries and bed and breakfast establishments must be clearly secondary to the principle residential use of the lot. Adequate water supply and sewage disposal must be provided for such uses and appropriate development standards must be contained in the Zoning By-Law regarding maximum floor areas, signage, parking, outside storage, etc.

lot adjustments

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

agricultural industry and rural character

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

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

transportation and utility corridors

- 1.14** Where a new transportation or utility corridor crosses a farm operation, the transportation authority or utility will be encouraged to select a route which causes the least disruption to farm operations and productivity where such routing is practical and environmentally acceptable. One option to be considered is the routing of such facilities along the edge of the farm.

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

woodlots

- 1.15** It is the policy of the Municipality that development in wooded parts of the Agricultural Area, including all significant woodlands, be discouraged. Land severances for non-farm related uses and amendments to the Zoning By-law to permit non-farm uses will generally not be allowed.

This Plan recognizes the importance of trees to agriculture due to their wind protection and moisture holding capabilities. Existing woodlots will be protected in accordance with the most current Lambton County Woodlands Preservation By-law that regulates the cutting of certain trees and woodlots.

This Plan encourages reforestation and conservation of woodlots. In accordance with the natural heritage policies of this Plan, new development in significant woodlands will generally not be allowed.

petroleum related facilities

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

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

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

general rural consent policies

- 1.17** Land severances in the Agricultural Area may be permitted for the following:
- a) to create rights-of-way or easements;
 - b) to enlarge lots provided it does not result in the creation of an undersized farm parcel;
 - c) to consolidate farm holdings;
 - d) to allow minor lot line adjustments having regard to County Official Plan Section 4.2.2 and including but not limited to minor boundary adjustments to increase the size of a non-farm lot where necessary to accommodate private services;

- e) for infrastructure in compliance with the policies of this Plan;
- f) to create farm parcels that, in order to discourage the unwarranted fragmentation of farmland, are not less than 38 hectares in the Municipality. A different minimum farm parcel size may be considered through an amendment to this Plan and the County Official Plan provided that a study is carried out by the proponent with the guidance and assistance of the Province, to demonstrate that the different farm parcel size is appropriate for the type of agricultural uses common in the local area yet is sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations.
- g) To sever a surplus farm dwelling in accordance with the policies of this Plan.

1.18 Agri-tourism uses mean farm-related tourism and commercial uses associated with and sited on a functioning farm operation or associated with a value-Add business and conforming with Section 6.1.8 of the County Official Plan. The Zoning By-law shall be updated to implement these uses.

- a) These uses may include farm markets, restaurants related to a winery, limited bed and breakfast, on-farm tours, roadside produce stands, pick your own facilities, farm mazes, agriculture related special event facilities, agriculture education and research facilities, and uses and practices necessary to support the day-to-day farm operation.
- b) Agri-tourism uses shall only be permitted subject to the following:
 - i. are to be secondary and subordinate to the principal farm operation and activities on the property;
 - ii. the size of such uses are to be small in scale, and limited and appropriate to the site, surrounding area and the scale of the farm operation;
 - iii. agri-tourism uses, with the exception of short-term vacation rentals, shall be subject to site plan control where greater than 93 square metres in gross floor area.
 - iv. the display and retail sales of off-farm products shall be permitted, provided that the display and retail sales area is no greater than one-third of total gross floor area devoted to commercial use of an agri-tourism use, to a maximum 93 square metres in size;
 - v. short-term vacation rentals shall comply with the policies in of this Plan; and,
 - vi. where adequately served by on-site services, including sustainable private services and parking; compatible with surrounding uses; does not cause or generate off-site negative

impacts related to infrastructure, noise or traffic, and will not negatively impact the agricultural viability of the subject property, surrounding area, or natural areas, features or functions.

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

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

1.20 Oil, (natural) gas, and salt extraction under agricultural lands shall be conducted so as to minimize disruption to agricultural uses, minimize the amount of land taken out of agricultural production, and prevent contamination of agricultural lands. Rehabilitation of exhausted or abandoned wells and oil fields must be compatible with the surrounding agricultural area and should be rehabilitated to appropriate standards for agricultural use unless specifically rehabilitated for another purpose.

1.21 The Municipality will promote initiatives to support rural population growth, especially the number of farm families. Supportable methods include, but are not limited to the promotion of:

- a) value-Add, on-farm diversified uses and other practices that increase the profitability of agricultural operations,
- b) new livestock facilities and other forms of agriculture that require fewer acres per farm operation,

- c) greenhouses, nurseries and other forms of agriculture that have potential to support multiple families/employees on a relatively small number of acres;
- d) forms of agriculture that provides more employment on a per acre basis;
- e) identification and exploitation of non-traditional, non-local, and niche markets;
- f) on-farm and local processing and/or retail of agricultural products and by products;
- g) promotion of unique local foods;
- h) stronger linkages between local food producers and major local food distributors and consumers within settlements, including restaurants;
- i) agri-tourism; and,
- j) on-farm economic diversification.

2.0 Residential

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

2.1 Permitted Uses

The primary uses permitted in Residential Areas will be for residential dwelling units. Various types of dwellings will be included, with preference being given to the locating of similar densities of development together. Mobile home parks are permitted subject to policy 2.2.1 respecting mobile home parks.

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

2.1.1 For the purposes of 2.1.2 below, residential density shall exclude any lands determined to be undevelopable due to natural hazards (e.g. Floodplain and steep slopes but should include planned roads (public and private) and developable open space and amenity areas (common and private).

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

- a) Medium-density attached dwellings up to a maximum net density of 38 units per residential hectare;
- b) High density multiple family dwellings up to a maximum net density of 100 units per residential hectare;
- c) Special residential uses such as group homes and senior citizens' accommodation.
- d) The primary residential uses permitted within Residential Areas are low density housing types, not exceeding 25 units per net residential hectare, including single and semi-detached dwellings, duplexes, and triplexes, including building conversions to such uses.

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

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

d) Convenience commercial uses.

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

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

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

2.2 Residential Policies

2.2.1 Within Residential Areas the Municipality will encourage:

- a) Areas of new development to take the form of extensions to the existing built-up area.
- b) Development that minimizes the costs required to extend existing services and the costs of creating new services.
- c) Residential intensification in areas of existing development that have sufficient servicing capacity. Techniques may include 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. It is a goal of this Plan that 20% of the new housing units provided in the Municipality be provided through intensification and redevelopment.
- d) Relocation of existing incompatible uses out of residential areas and redevelopment of obsolete land uses.
- e) Development to proceed in such a manner so as not to impose a financial burden on the Municipality or municipal taxpayers.
- f) Compliance with the Amenity and Design policies of this Plan.

2.2.3 Intensification, including infill development and redevelopment, in Residential Areas may be undertaken either by means of a plan of subdivision, plan of condominium, or where neither subdivision nor condominium is appropriate, by consent, provided the means selected is intended to make the most efficient use of municipal services. Such development may also be subject to site plan control.

- 2.2.4** The design of new roads in new subdivisions and/or areas subject to plans of condominium and/or severances will be carried out so as to permit development of landlocked parcels in existing developed areas wherever possible. Access roads to such parcels or condominium units may be dedicated as public roads but may also be considered as private roads where such roads are owned by a condominium corporation(s).
- 2.2.5** In approving new residential development, the Municipality will take into consideration an appropriate mix of housing types for affordable housing and housing for persons with special needs households according to substantiated need and demand for the Municipality as a whole.
- 2.2.6** Senior-focused developments are encouraged to locate in communities in the Municipality with amenities, such as groceries, open spaces and location nearest to larger urban centres with shopping and health facilities.
- 2.2.7** In existing residential areas, an increase in residential density may be considered where the scale and physical character of new or renovated residential dwelling units are compatible with the surrounding area and where municipal and community services are adequate.
- 2.2.8** The Municipality will maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. An adequate supply of housing will be ensured by maintaining the ability to accommodate residential growth for a minimum of 15 years through intensification and redevelopment, and if necessary, lands designated for residential development.
- 2.2.9** The Municipality will encourage innovative housing designs particularly those which offer energy efficiency, reduced municipal expenditures or lower costs to purchasers.

phasing

- 2.2.10** Residential development may be phased, but final approvals shall be subject to the availability of servicing capacity and required infrastructure.

buffering from agricultural lands

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

programs

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

affordable housing

2.2.13 Efforts should be made to encourage the provision of affordable housing in the Municipality, where practical. In this regard, the Municipality will assist the private sector by:

- a) providing opportunities for the production of affordable new residential units that contribute to the attainment of the affordable housing targets established for the Housing Market Area (Lambton County);
- b) reducing the time to process residential applications, to the greatest extent practical;
- c) encouraging residential intensification where practical;
- d) the Municipality will consider ways in which to encourage affordable housing through the utilization of existing housing stock and intensification of existing residential areas. Owners of surplus housing stock, including farm houses, will be encouraged to consider the potential for conversion to affordable housing rather than demolition;
- e) adopting alternative development standards where deemed appropriate by the Municipality.
- f) encouraging and supporting partnerships in the provision of affordable and supportive housing needs in locations which are appropriate to the community and surrounding services. Preference shall be for locations and communities that are accessible to municipal goods and services, healthy food, commercial areas, employment, medical and health facilities, recreation, transit, and trails and non-motorized transportation. Locations within mixed use developments are encouraged. Affordable housing units shall take into consideration accessibility needs; and,
- g) integrating affordable housing within the existing community fabric and not segregated or concentrating with other affordable housing. Affordable housing shall be integrated in such a way as to minimize disruption and protect the physical character and vitality of established neighbourhoods.

2.2.13.1 The Municipality will have regard for the most current County Housing and Homelessness Plan, when setting targets for affordable housing units.

housing mix

- 2.2.14** This Plan will accommodate a mix of housing types, densities, design and tenure, including affordable housing to meet projected demographic and market requirements of future and current residents.

The mixing of densities and housing designs within individual developments will be encouraged, provided that locational requirements are satisfied. The density of development will be governed by the Municipality considering among other things, the preservation of open space and trees, the ability of the road system to accommodate the generated traffic, the capacity of municipal infrastructure which includes water, sanitary sewage, stormwater drainage and parks, and the compatibility with existing development patterns.

applications for medium density

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

- a) The development should be located in proximity to Arterial or Collector Roads;
- b) Preference will be given to medium density development in locations where the development provides a physical transition between low density dwellings, and residential development exceeding a density of 40 units per residential hectare. Locations in proximity to natural amenities such as watercourses, major open space areas, existing neighbourhood parks, schools and other community facilities, and commercial areas will be encouraged;
- c) The development should be adequately buffered from abutting low density residential development;
- d) The development should be designed so that it is compatible with surrounding development, and subject to the Site Plan Control provisions of this Plan;
- e) On-site parking and recreational amenities are to be provided; and
- f) The height of the proposed development should not generally exceed three storeys.
- g) Densities greater than 40 units/net hectare may be considered where the intended tenure is rental, there is proximity to public open space and the density is compatible with surrounding land uses. In such cases, the requirements for high density developments shall also be taken into consideration.

- h) The development shall be subject to Site Plan Control, or other relevant land use and design review processes enacted by Council (e.g. Community Planning Permit System).

applications for high density

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

Planning, transportation and servicing feasibility studies may be required by the Municipality prior to consideration of any applications for high density residential development. The required studies must show that the proposed development is compatible with surrounding land uses and will not place a burden on the existing road system, or exceed the capacity of water, storm, and sanitary treatment and distribution system services without appropriate remedial measures being undertaken by the applicant.

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

In addition to any required studies, all applications for high density residential development will be considered in accordance with the following policies:

- a) The development should be located in proximity to Arterial or Collector Roads;
- b) Preference will be given to locations in proximity to natural amenities such as watercourses or major open space; or in proximity to central commercial areas; public transit facilities where they are available; and at the intersection of Arterial Roads or Arterial and Collector Roads;
- c) The development should be compatible with adjacent lower density residential development, and should be provided with on-site recreation amenities and parking;
- d) Building height should not exceed that which might create a hazard by virtue of the inability of the Municipality to provide adequate fire protection.

2.2.17 special residential uses

Group homes shall be permitted in any residential area. The types of group homes which are permitted include:

- a) Approved homes;
- b) Home for special care;
- c) Supportive housing programs;
- d) Accommodation for youth and adult mental health programs;
- e) Accommodation services for individuals with a development disability

- f) Satellite residences for seniors; and,
- g) Homes for individuals who have physical disabilities.

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

2.2.18 compatibility guidelines for residential areas

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

general

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

criteria

In assessing the compatibility of a proposal with the area in which it is proposed, the following criteria should be reviewed to determine whether the proposal will:

- a) Compatible with the established uses on adjacent sites or surrounding areas;
- b) Establish a compatible and complementary design with the existing and planned community;
- c) Generate activity, noise or traffic levels which put undue pressure on the area and its infrastructure and other support facilities.

physical character

Development in Residential areas will respect the established physical character of those areas, although it should be noted that the term “respect” does not necessarily mean “be the same as”. When assessing development proposals, particular regard will be had for the following:

- a) Size and configuration of lots;
- b) Heights, massing, scale and dwelling type of nearby properties;

- c) Predominant building types in the area;
- d) Setbacks of buildings from streets and lot lines;
- e) Any landscape or building features that contribute to a unique character in the area; and
- f) Impacts on designated heritage buildings, districts or other features which have been designated under the provisions of the *Ontario Heritage Act*.

mitigation measures

This Plan recognizes that compatibility between new and existing development may be enhanced through the use of various measures such as the provision of buffers, landscaping, site design, building arrangements on a site and building design. Where there are concerns regarding the compatibility of new development with an existing area, the use of these measures will be explored with the proponent, and some or all may be employed and implemented through tools such as site plan approval.

location

Residential intensification, including proposals that would result in the creation of affordable housing, will be located to have access to community services and facilities including public transit facilities where available, and should be in proximity to commercial main streets and cultural nodes when possible.

2.2.19 former waste disposal site - Alvinston

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

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

2.2.20 accessory buildings

- a) Appropriate use of accessory buildings in residential areas include storing tools, equipment and materials used in the maintenance of the house and property, activities associated with property maintenance, and storing personal vehicles, recreational items and household items. Hobby activities and limited home industries are also appropriate where

the scale and nature of the activities have no objectionable features and are not overly intense for a residential area.

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

Buildings of a size or height that is potentially out of scale or character with a residential area will be avoided. Where an over-sized building is determined appropriate, increased side and rear yard setbacks may be required. Over-shadowing neighbouring properties will be avoided.

2.2.21 applications for plan of condominium

Where low density development is proposed by plan of condominium with a private road system, increases in density may be considered. In general, densities up to 25 units per net hectare (excluding major parks) may be permitted for low density residential developments. Variations from this density will be permitted/required relative to the density policies applicable for the area within which the development is proposed. Condominium developments will not be permitted where they would disrupt existing or future street patterns, prevent future extensions of urban areas or create inaccessible areas within communities.

2.2.22 additional dwelling units

- a) Notwithstanding any other policy in the Plan, the use of 'additional units' is authorized in accordance with the *Ontario Heritage Act* and its associated regulations, by permitting the following:
 - i. The use of two residential units in a detached house, semi-detached house or rowhouse; and
 - ii. The use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

For the purpose of calculating residential density and implementing the policies of this Plan, 'additional units' or the potential for 'additional units' shall not be included in maximum density calculations. However, these units may be considered when assessing servicing capacity associated with site development. As well, additional units approved for occupancy (per Ontario Building Code) may be used to demonstrate achievement of minimum densities when applicable, either for implementation of policies in this Plan or for use in an implementing zoning bylaw.

- b) The Municipality shall permit additional dwelling units in a residential area on a residential lot occupied by a single detached, semi-detached, or townhouse dwelling, and an additional dwelling unit in an accessory building. Additional dwelling units shall be limited in scale and secondary to the main dwelling. In location, layout and character,

additional dwelling units must not conflict with the physical character of the neighbourhood and must not negatively impact adjoining properties.

- c) An additional dwelling may not be permitted as accessory to a main dwelling unit in certain situations. These may include units within a plan of condominium, and lots where a dwelling is only permitted as accessory to another use. Within rural areas new additional dwelling units shall be located within the farm building cluster and shall be required to meet reasonable use guidelines regarding sewage disposal. Additional dwelling units may be prohibited within areas with sewage capacity constraints.
- d) Preference shall be for additional dwelling units to be within or attached to the main dwelling and convertible to use as part of the main dwelling. Additional dwelling units in detached accessory buildings may be subject to greater lot line setbacks than normally applied to detached accessory buildings. The permitted size shall be less than second units contained within or attached to a main dwelling. Additional dwelling units in detached accessory buildings do not, in themselves, provide justification for larger accessory building sizes, numbers or coverage than otherwise allowed on a residential lot.

2.2.23 The Municipality will consider the demographics and projected demographics of the local populations as part of any application to designate, zone, or subdivide lands for residential purposes.

2.2.24 special residential policy area

- a) Prior to any application for subdivision or consent to create new lots on the lands subject to Official Plan Amendment #5, the applicant must provide, as part of any application the following additional information:
 - i. A report, prepared by the appropriate and qualified professional, showing that the development of residential on the subject lands can meet the appropriate Provincial spacing for sensitive uses (also known as the "D6 guidelines"). If this report notes that spacing cannot be achieved, the report is to provide mitigation methods which must form part of any conditions of approval of a subdivision or consent. These mitigation methods may include, but not be limited too buffering and or fencing.
 - ii. A report, showing that all requirements of Minimum Distance Separation regulations can be achieved. If this report notes that MOS cannot be achieved, a subdivision or consent may include a condition requiring appropriate variances be obtained prior to final approval.

2.3 Policies for Non-Residential Uses

2.3.1 professional offices

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

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

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

development guidelines

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

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

2.3.2 home occupations

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

home occupation secondary to residence

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

non resident employees

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

alterations

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

outdoor storage

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

sale of goods

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

floor area

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

limitations on occupations

- 2.3.2.7** No use that includes the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, metal fabrication or that has considerable potential to cause significant site contamination will be considered to be a home occupation in a residential area.

signs

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

use of machinery

- 2.3.2.9** A home occupation will not use machinery or equipment that is inconsistent and incompatible with surrounding residential uses because of its nature or scale, nor will a home occupation create a nuisance or conditions inconsistent or incompatible with adjacent or nearby residential uses by reason of emission of noise, vibration, smoke, dust, other particulate, heat, odour, refuse, lighting or other emission.

nuisance

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

municipal servicing

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

2.3.3 short-term vacation rentals

The Municipality may establish, through the Comprehensive Zoning By-law and/or a municipal licensing framework, appropriate provisions related to the nature, scale, and density of Short-Term Vacation Rentals that are compatible with surrounding land uses, to ensure these uses remain appropriately integrated in the Municipality's residential areas, providing for the continued availability of suitable short-term accommodations in the community.

Short-Term Vacation Rentals (STVRs) recognized by this Plan include Bed and Breakfast Establishments, owner-occupied partial dwelling or dwelling unit rentals (i.e. a principal residence), and entire-dwelling or dwelling unit rentals (i.e. not a principal residence). STVRs may be permitted in commercial areas but should generally be subject to the same land use policies as those permitted in residential areas and shall be subject to the same licensing requirements.

Goals and Objectives for Short-Term Vacation Rentals:

The Municipality's goals and objectives related to Short-Term Vacation Rentals (STVRs) are as follows:

- a) STVRs shall generally respect and be compatible with the residential character, amenity, and quality of residential neighbourhoods. This may be achieved through establishing densities for STVRs, mitigation measures to adjacent residential properties, and municipal regulations intended to ensure the orderly management of STVRs;
- b) All roads used to access lots with an STVR shall be of sound construction and conform to the Municipality's Road design standards;
- c) Guests shall be provided with accommodations conforming to current health and life safety standards;
- d) Facilities will be operated and maintained in acceptable conditions as detailed in the Municipality's relevant By-laws; and,
- e) Operators of STVRs shall acknowledge their responsibilities in complying with the Municipality's by-laws and licensing provisions.

Policies:

- a) The Municipality may, on an area-specific or case-by-case basis, prohibit STVRs in areas that are not considered to be consistent with this Plan;
- b) Any short-term rental not operated by residents permanently residing in the dwelling may only be licensed for such use if the use is permitted by the comprehensive zoning bylaw or is a legal non-conforming use;
- c) Guest rooms shall only be available for temporary, short-term accommodation to the general public;
- d) Subject to any other requirements of the zoning or licensing by-law, STVRs shall generally not contain more than three (3) guest rooms. STVRs with four or more guest rooms may be permitted without amendment to this Plan but shall require a site-specific Zoning By-law amendment;
- e) Any proposed external or internal alterations of a home utilized as an STVR that requires a planning application, including but not limited to a minor variance, such alteration(s) shall ensure that the physical character of the building is consistent with the physical character of the surrounding neighbourhood;
- f) The site area of all STVRs shall be sufficient to provide for off-street parking (i.e. on-site parking) and buffering from abutting residential uses;
- f) Special provisions applicable to Bed and Breakfast Establishments include:
 - i. Separate kitchen or dining areas for guests may be provided. Establishment of a restaurant catering to persons other than guests shall not be permitted;
 - ii. Only persons permanently residing in the dwelling shall operate a Bed and Breakfast Establishment; and
 - iii. Construction or conversion of buildings accessory to the home to accommodate guests shall not be permitted.
- h) Prior to approving any STVR use with more than three guest rooms for a site, and as part of the assessment of the suitability of the proposal, consideration by Council shall include the following:
 - i. All licensed and approved STVRs shall be subject to a municipally approved STVR Code of Conduct;

- ii. Any STVRs with more than three guest rooms shall be defined in the zoning bylaw and subject to site plan control to ensure:
 - 1. Sufficient on-site parking is available;
 - 2. Occupancy Loads of the dwelling are not exceeded;
 - 3. Appropriate water and wastewater services are provided to the dwelling;
 - 4. Operational fire and safety plans are approved by qualified municipal inspectors;
 - 5. Appropriate on-site signage is provided;
 - 6. Appropriate site landscaping and buffering is provided to mitigate potential impacts on neighbouring properties;
 - 7. Suitable privacy fences and/or screening is provided to further buffer and mitigate any potential impacts of the proposal on abutting and other nearby properties;
 - 8. Suitable on-site amenity area is provided for guests and residents;
 - 9. A development agreement is registered on title to ensure there are appropriate controls in place to ensure the site remains in good condition while operating as a short-term vacation rental; and,
 - 10. Establish that a Property Manager shall be on call 24/7 to address noise complaints, property maintenance, and any other nuisance related complaints arising through the use of residential properties for this purpose.
- i) As part of a submissions in support of a site-specific zoning amendment for STVRs with more than three guest rooms, a proponent shall be required to:
 - i. Provide a planning justification report prepared by a qualified professional land use planner to be submitted with the rezoning application and provided to and reviewed by the Municipality's Planners. This report shall provide an assessment of how the proposed use may impact the use and enjoyment of neighbouring properties, and how any negative impacts will be mitigated, including a proposal for ongoing management of the property, for property standards, noise, and any other potential nuisances that may be associated with short term rentals. Such on-site management proposals may later be addressed in specific detail in the site plan development agreement; and,
 - ii. Demonstrate availability and suitability of on-site and nearby public amenities and services for residents and guests.
- j) Additional dwelling units (per *Ontario Heritage Act*) approved for the site shall not be used for any form of temporary accommodation (i.e. additional units shall only be provided for permanent, long term housing supply); and,

- k) STVRs shall generally be encouraged to locate in proximity to established commercial areas, tourist areas or local attractions.

3.0 Commercial

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

3.1 Commercial Area

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

permitted uses

- 3.1.1** Within the Commercial Area the primary use of land will be for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services. To enhance the identity and strengthen the function of Commercial Areas, the highest concentration of and the greatest mix of uses including residential, institutional, retail, office and community services appropriate to the size of the community will be permitted.

secondary uses

- 3.1.2** Secondary uses shall include residential uses.

dwelling units

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

- a) In cases where a lot fronts onto a commercial main street, the dwelling units must be located above or behind ground floor commercial uses;
- b) Dwelling units are provided with access to an open space area suitably landscaped and maintained, or alternatively are provided with a balcony; and,
- c) Access to the dwelling units is provided from an adjacent street or land and not through a commercial use.
- d) On-site parking is required for residential uses. This policy should not be interpreted to require an Official Plan Amendment where there is a change of use to a property designated under Part IV of the *Ontario Heritage Act* or to a character defining property designated under Part V of the *Ontario Heritage Act* not resulting in exterior alterations. Relief with respect to parking may be required through a Planning Application.

studies

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

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

compatibility

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

form

3.1.6 The Commercial Area built form will typically be a grouping of retail and other commercial uses under common or individual ownership. The preferred form of development within the Commercial Area is for retail and office uses at grade with residential uses locating on upper floors of buildings and/or behind the front portion of buildings, where appropriate.

3.1.7 Proposals for development of new or peripheral shopping areas will demonstrate that the viability of existing mainstreets and commercial areas will not be threatened. Existing mainstreets and commercial areas should be given first priority for development or redevelopment for commercial purposes.

3.1.8

- a) The Municipality encourages the development of its mainstreets and commercial areas in a way that fosters activities associated with a creative economy and strengthens these areas as cultural nodes;
- b) Where feasible and the opportunity exists, mainstreets and commercial areas will be connected to natural heritage systems;

- c) The Municipality will promote activities and events in the areas around mainstreets and commercial areas in a manner that does not detract from the viability of these areas;
- d) Wherever feasible, heritage buildings and structures will be conserved, and any new development will complement the cultural heritage landscape of the mainstreet or commercial area;
- e) The Municipality encourages tourism and leisure related activities to be located on mainstreets and commercial areas;
- f) The Municipality encourages the renovation of second and third floor spaces in older commercial buildings for such uses as apartments, studios, and professional offices; and,
- g) The revitalization strategies must conform with Section 6.6 of the County Plan.

Highway commercial uses should be directed to commercial areas on Nauvoo Road, including but not limited to automobile service stations, drive-thru restaurants, equipment sales and service establishments, and building and contractor supply stores.

- 3.1.9** All new development within Commercial Areas shall be subject to Site Plan Control. In addition, the implementing Zoning By-law shall contain provisions relating to building siting, location and massing to implement the urban design policies of this Official Plan.

3.2 Site Design Policies

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

- 3.2.1** New commercial development adjacent to existing commercial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- 3.2.2** New commercial development will ensure that there is:
- a) Safe and adequate access from the road subject to the approval of the authority having jurisdiction. Access points will be limited in number and designed to enable segregation, and the safe movement of pedestrians and vehicles. Shared access among commercial establishments will be provided wherever possible;
 - b) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning By-law, and the spaces should be located beside or behind the establishment, where possible;

- c) Adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas; and,
- d) A front yard setback that accommodates pedestrian movement.

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

- a) Screening and/or buffering of access driveway, parking and service areas such that noise, light or undesirable visual impacts are mitigated;
- b) Locating and designing light standards and external light fixtures so that lighting is directed away from the adjacent residential uses;
- c) Locating and sizing of advertising, identification, or other signs and devices, to avoid conflicts with effective traffic control and the general amenity of the area; and,
- d) Sitting, scale and massing of buildings are such that it respects the adjacent land uses, provides for a safer pedestrian environment, and enhances the existing physical character.

4.0 Industrial

4.1 Industrial Area

permitted uses

- 4.1.1** Within Industrial Areas the permitted use of land will generally be non-noxious industrial uses such as general manufacturing, construction, truck terminals, bio-solids storage, research and development, warehousing and wholesaling and light assembly or any combination thereof within enclosed buildings. Agri-businesses, food processing, sustainable energy and advanced manufacturing uses will also be permitted.

Office development associated with these uses is permitted.

noxious uses

- 4.1.2** Industrial uses which are considered a noxious trade business or manufacture under Provincial legislation or regulations will not be permitted in Industrial Areas.

accessory and complementary uses

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

Parks and public open space uses are also permitted.

location of accessory and complementary uses

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

outdoor storage

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

development standards

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

- a) a diversity of zoned and serviced sites is available to support a range of industrial activities; and
- b) sites are well designed and have a high level of available amenities, including access to major transportation routes that are attractive to new investors.

existing residential uses

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

residential uses attached to permitted uses**4.1.8**

- a) New residential uses are prohibited. New sensitive land uses that are not ancillary to employment uses are prohibited.
- b) Residential dwelling units for a caretaker or watchperson may be permitted provided they are structurally attached to the main permitted use on the lot.

4.1.9 The Municipality may permit the conversion of lands within an Industrial designation to another type of land use only through a municipal comprehensive review, as stipulated in Part E of this Plan and the County Official Plan, that reflects County of Lambton's employment growth projections, allocations and intensification and density targets by the County Plan where it has been demonstrated that:

- a) There is a need for the conversion;
- b) The conversion will not adversely affect the overall viability of the Municipality's Industrial Areas and the achievement of the intensification target, density targets and other Policies of this Plan;
- c) There is existing, or planned, infrastructure in place to accommodate the proposed use;
- d) The lands are not required, over the long term, for employment or industrial purposes for which they are designated; and,

- e) Major retail uses are considered to be non-employment uses and are not permitted in Industrial Areas.

4.1.10 Lands designated Employment Area shall not be redesignated or rezoned to any other non-employment land use, except through a Municipal Comprehensive Review in accordance with the policies of Section 14 Official Plan Review and Amendments of this Plan.

4.1.11 In circumstances where an industrial use cannot be accommodated in the designated Industrial areas due to parcel size or separation requirements, any such industry may locate outside of a Settlement Area, by amendment to the County and Municipal Official Plans, provided that the following criteria are met:

- a) There is an identified need or demand for additional land to be designated to accommodate the proposed use;
- b) Alternative locations have been evaluated and
 - i. There are no reasonable alternative locations available within a Settlement designation;
 - ii. There are no reasonable alternative locations which avoid prime agricultural areas; and
 - iii. There are no reasonable alternative locations with lower priority agricultural lands;
- c) The proposed location is not in a specialty crop area;
- d) The proposed location complies with the Minimum Distance Separation formulae;
- e) The proposed use is compatible with the existing and anticipated future uses in the immediate area and any impacts on surrounding agricultural operations area mitigated to the extent feasible;
- f) The proposed use can be fully serviced with municipal water and can provide adequate sanitary sewage disposal and treatment;
- g) The site is located in proximity to a major transportation corridor;
- h) The site should preferably be contiguous to existing industrial lands; and,
- i) The site is compatible with the Natural Heritage policies of this Plan.

4.1.12 New industrial uses which involve handling of toxic or other hazardous materials will not be permitted within susceptible areas to groundwater contamination as identified in Appendix Map A of the County Official Plan and Schedule A of this Plan.

4.2 Site Design Policies

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

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

4.2.2 New industrial development will ensure that there is:

- a) Safe and adequate access from the road subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and designed to minimize any danger to vehicular and pedestrian traffic. Continuous access will be discouraged in favour of a curb and designated ingress and egress points. Shared access among industrial establishments will be provided wherever possible;
- b) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning By-law, and the spaces should be located beside or behind the establishment, where possible; and
- c) Adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas.

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

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

5.0 Mixed Commercial/Industrial Area

5.1 Permitted Commercial Uses

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

5.2 Permitted Industrial Uses

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

5.3 Development Policies

- 5.3.1** Site access will be subject to the regulations of the appropriate road authority and should be limited in number and designed to enable segregation, and safe movement of pedestrians and vehicles. The sharing of access points or the construction of internal service roads will be encouraged.
- 5.3.2** New development will require Site Plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where commercial and/or industrial uses may adversely affect an adjacent land use. New development shall generally conform to the urban design policies in Part D Section 3 of this Plan.
- 5.3.3** Commercial and industrial uses will be zoned in one or more separate zoning categories in the implementing Zoning By-law. The Zoning By-law will also contain regulations governing parking and loading requirements.

6.0 Institutional

6.1 Permitted Uses in All Designations

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

Institutional uses will include any recognized public, non-profit or charitable organization, elementary and secondary schools, community facilities, places of worship, daycare centres, nursing homes, libraries, and offices and cemeteries. Certain uses operated for profit such as nursing homes or day nurseries may also be considered as institutional uses provided Council is satisfied that the use is compatible with surrounding uses.

6.2 New Institutional Uses

The following policies will apply to new Institutional land uses:

- a) New Institutional uses should generally be located in Residential Areas, subject to a Zoning By-law Amendment, to consider the following criteria:
 - i. The use can easily be accessed by pedestrians;
 - ii. The use is located on a site that has adequate land area to incorporate required parking, waste management facilities, landscaping and buffering on-site; and
 - iii. The scale, massing and siting of the development is compatible and consistent with the development on adjoining lands.

New Institutional uses may be considered in other designations where the scale and/or nature of proposed institutional uses warrants.

- b) New Institutional uses will generally be encouraged to locate in areas where full municipal services are provided;
- c) New Institutional uses should not impact in an undesirable manner on surrounding Residential uses, nor generate traffic beyond the capacity of the local road system; and
- d) New Institutional uses should be strategically located in relation to the population served.
- e) The development of institutional uses shall conform to the urban design policies of this Plan.
- f) New institutional uses shall be subject to site plan control in accordance with the policies of this Plan. The site plan agreement may, among

other things, ensure that adequate buffering is provided where an institutional use adjoins a residential use.

- g) New development should have access to a public road capable of accommodating any increase in traffic flow that may result. Access points should be limited in number and designed to enhance pedestrian safety and safe vehicular movement.

7.0 Open Space

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

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

7.1 General Policies

permitted in all designations

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

interconnected systems

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

parkland dedications

- 7.1.3** Public open space may be acquired through the dedication of lands or the payment of funds pursuant to the provisions of the *Ontario Heritage Act*; in which case it will be provided in accordance with the following policies:
- a) As a condition of residential development or redevelopment conveyance of land to the Municipality for park purposes will be required at a rate of 5 per cent of the land proposed for development or 1 hectare per 600 dwelling units or cash-in-lieu provisions to a maximum of 10 per cent of the land or the value of the land if the developable land is five hectares or less in area or 15 per cent of the land (or the value of the land if the developable land is greater than five hectares in area);
 - b) As a condition of industrial and commercial development or redevelopment, the conveyance of land to the Municipality for park purposes will be required at a rate of 2 per cent of the land proposed for the development to the Municipality for park purposes, or cash in lieu thereof.

cash-in-lieu of parkland

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

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

condition of dedicated lands

- 7.1.5** The Municipality will generally not accept as part of the minimum parkland conveyance lands that are required for drainage purposes, lands susceptible to flooding, steep valley slopes, hazard lands, connecting walkways and other lands unsuitable for development. Furthermore all lands conveyed to the Municipality will be in a physical condition satisfactory to the Municipality considering the anticipated park use. The Municipality may accept some lands that contribute to linkages between existing parks in the system as part of the dedication at their discretion.
- 7.1.6** The Municipality may, from time to time, wish to acquire from developers, lands that are of particular value because of their physical quality or because they provide the opportunity to link other parts of the open space system. Where these lands exceed the 2 per cent dedication required for commercial and industrial development or the 5 per cent dedication required for other purposes, the Municipality will attempt to acquire such lands through purchase from the developer.

multiple family developments

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

agreements

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

other agencies

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

- 7.1.10** The use of land designated Open Space Areas shall include active and passive recreational uses, recreational and community facilities, conservation uses, nature trails, marinas, cemeteries and wildlife management. Small scale commercial uses, which are ancillary to and support the permitted Parks and Open Space designation, may also be permitted.
- 7.1.11** The following additional uses, including any ancillary buildings or structures, are permitted in the Open Space Areas designation:
- a) Golf courses including driving ranges and putting greens;
 - b) Private Parks;
 - c) Public campgrounds;
 - d) Cemeteries;
 - e) Crematoria shall only be permitted with cemeteries outside of settlement areas;
 - f) Non-commercial gardening including nurseries;
 - g) Botanical gardens;
 - h) Zoological parks;
 - i) Swimming pools, skating rinks and ponds;
 - j) Public trail bike racing courses;

Ancillary retail commercial uses and parking facilities as long as such uses do not inhibit the operation of the primary use.

- 7.1.12** Where any land designated as Open Space Area is under private ownership, the Plan does not intend that this land will necessarily remain as Open Space Area indefinitely, nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Municipality or any other public agency.
- 7.1.13** Applications for the redesignation to another use for all or part of an existing Open Space Area, with the exception of golf courses, may be permitted by the Municipality after considering the following:
- a) The existence of any significant or unique natural features and/or environmentally sensitive areas or cultural heritage landscapes;
 - b) The proposed methods by which the above would be handled in a manner consistent with accepted engineering practice and environmental management methods;
 - c) The costs and benefits in monetary, social and biological value in terms of any engineering works and resource management practices to be used;

- d) The concerns of the local Conservation Authority and/or the Province;
and,
- e) The other policies of this Plan related to parks and open space.

7.1.14 Proposals to redesignate a golf course for residential use shall only be considered as part of the County of Lambton and Municipality Municipal Comprehensive Review and shall meet the requirements of Part 5 of this Plan. Every such proposal to redesignate a golf course for residential use shall require an amendment to this Plan to implement the Municipal Comprehensive Review.

7.1.15 There is no public obligation to redesignate or to purchase any Open Space Areas.

8.0 Natural Heritage

The Municipality contains environmental features and sites that are valued for their physical beauty and ecological function. Many of these environmental features and sites are identified by the County Official Plan and this Plan as significant natural areas that combined with their functions, and the corridors that connect them, form a natural heritage system to be protected, restored, and where possible, improved.

The Municipality's Natural Heritage System and associated policies are not intended to limit the ability of agricultural uses to continue.

The Municipality also contains areas that are subject to natural hazards such as flooding and/or instability due to erosion and excessive slopes where development must be prohibited or restricted to protect against loss of life, damage to public and private property, and undue financial burdens for the Municipality, County, and Province.

Ontario Regulation 171/06 governs the extent of regulated areas, including around wetlands, watercourses or hazardous lands, where development or site alteration is prohibited subject to written approval from the St. Clair Region Conservation Authority.

Not all features or areas identified as part of the natural heritage system for the Municipality contain inherent hazards and not all natural hazard areas contain natural heritage features or areas, but they can be coincident. Where there is overlap between policies in this section of the Plan, all of the applicable policies are to be addressed, with the more restrictive applying where there are conflicts.

8.1 General Policies

Natural Heritage System

The Municipality's Natural Heritage System is a combination of significant natural areas, their functions, and the corridors that connect them. The system includes.

Group A features:

- provincially significant wetlands
- locally significant wetlands
- habitat of endangered species and threatened species
- fish habitat

Group B features:

- lands adjacent to Group A features and adjacent to certain Group B features as noted in these policies
- significant woodlands
- significant valleylands
- significant wildlife habitat
- provincially significant areas of natural and scientific interest (ANSIs)
- regionally significant ANSIs

Group C features:

- lands adjacent to other Group B features
- primary corridors, including core areas
- linkage features
- highly vulnerable aquifers
- significant groundwater recharge areas
- other surface water features
- woodlots other than significant woodlands
- other significant natural areas, including shrublands, meadows and prairies

These features can overlap and the habitat of endangered species and threatened species, fish habitat, and wildlife habitat are functions associated with the habitat features of wetlands, woodlands, ANSIs, valleylands, and watershed systems.

When considering new land use planning applications, the following shall apply:

- a) For Group A features, no development or site alteration is permitted, except that in the case of fish habitat and habitat of endangered species or threatened species, development may be permitted in accordance with provincial and federal requirements, and infrastructure may also be permitted in some circumstances in accordance with applicable legislation and regulations;
- b) For Group B features, development may be permitted if it can be demonstrated through an Environmental Impact Study that no negative impacts on the features or their associated ecological functions will result;
- c) For Group C features, the policies of this Plan provide general controls on development with the aim of improving the overall health of the natural heritage system including the improvement of linkages within corridors.

The features of the Municipality's Natural Heritage System are identified on Schedule B.

The Natural Heritage System identified on Schedule B or otherwise identified by the policies of this Plan are to be considered as overlays to the designations on Schedule A. Despite the designation that lands may have in Schedule A of this Plan, development of lands will be generally directed away from the Natural Heritage System and/or subject to such evaluations or conditions as required by the policies of this Plan and the County Official Plan.

Some natural heritage features are not identified on Schedule B that are otherwise identified by the policies of this Plan. These include natural heritage features that require further work to identify, constitute sensitive information that cannot be displayed, or are too small or numerous to be specifically identified on Schedule B.

Note: Provincial review and approval will be required for any development within the habitat of endangered or threatened species.

Natural Hazard Areas are areas susceptible to flooding and erosion and are generally located within the Regulation Limit of the Conservation Authority as identified on Appendix 1.

permitted uses

- 8.1.1** The use of lands in the Natural Heritage System and Natural Hazard Areas will be restricted to agriculture (exclusive of any buildings or structures), conservation, forestry, parks, other passive outdoor recreational uses that rely on specific features of the natural environment and marine facilities where appropriate. Some permitted uses may be restricted if located within or adjacent to defined Wetlands, Areas of Natural or Scientific Interest (ANSI's), and Environmentally Sensitive Areas (ESA's), as identified by the Province, the County, the Municipality, or the local Conservation Authority.

fill

- 8.1.2** No alteration to a watercourse and no placing or removal of any fill of any kind whether originating on the site or elsewhere shall be permitted in the Natural Heritage System and Natural Hazard unless such action is approved by the Municipality or, where natural hazard regulations apply, by the local Conservation Authority. The Municipality may consider implementing a Site Alteration By-law under the authority of the Ontario Municipal Act (R.S.O. 1990).

changes to schedules

- 8.1.3** Minor changes to the boundaries of natural heritage features and areas may be permitted without an Official Plan amendment provided that an Environmental Impact Study of the sensitive area has been undertaken to the satisfaction of the Municipality. Council will consider the nature and sensitivity of the area or feature and must be satisfied that the impact can be alleviated with consistent with and sound resource management practices. The Municipality will consult with the local Conservation Authority and the Province.

private lands

- 8.1.4** The designation of land as part of the Natural Heritage System in this Plan does not imply:
- a) that those lands are available or open for public use; or
 - b) that the Municipality or any other public agency intends to purchase those lands.

redesignation/purchase

- 8.1.5** There is no public obligation, to redesignate or to purchase any lands in the Natural Heritage System and Natural Hazard Areas, particularly if there is a sensitive natural area or an existing or potential hazard that would be difficult or costly to overcome.

floodlines

- 8.1.6** The Natural Heritage System identified on Schedule B may coincide with hazardous lands, including areas subject to flooding or erosion, but it is not to be construed as delineating the boundaries of these hazards.

parkland dedications

- 8.1.7** Where new development includes lands within the Natural Heritage System and Natural Hazard Areas, such lands shall not be considered acceptable by Council for dedication to the Municipality for park purposes. All lands dedicated to the Municipality for park purposes will be conveyed in a physical condition acceptable to the Municipality.

setbacks

- 8.1.8** Building setbacks shall be imposed in accordance with the Natural Heritage System policies of this plan, including buffer areas. Setbacks shall be set out in the implementing Zoning By-law.

land severances

- 8.1.9** Land severances in the Natural Heritage System may be permitted in accordance with the Land Division policies of this Plan.
- 8.1.10** The Municipality may prohibit all development, dumping or removal of fill, alteration to watercourses and natural drainage areas, removal of tree stands and the installation of roads and services within Group C features of the Natural Heritage System without demonstration by an Environmental Impact Study

prepared in accordance with 8.4 of this Plan that there will be no significant negative impacts to the features or their ecological functions.

In addition, other lands not within the Significant Natural Areas and Natural Hazard Areas may be subject to the requirement of an environmental evaluation being carried out prior to development approval.

Any development or site alteration, including dumping or removal of fill, or alterations to watercourses and natural drainage areas will require a written permission through the Conservation Authority.

designation boundaries approximate

- 8.1.11** The boundaries of the Natural Heritage and Natural Hazard Areas are approximate and will be used to guide the preparation of the Zoning By-law provisions which will implement the policies of this Plan. As detailed mapping of Natural Hazards, the Natural Heritage System and/or its features becomes available the Conservation Authority and the Province will be consulted. Where there is an approved Environmental Impact Study prepared in accordance with the policies of this Plan or an approved natural hazard assessment an update of this Plan will be made through an office consolidation without amendment to the Plan, otherwise the Plan will be amended as required. Wherever designation boundaries of the Natural Heritage and Natural Hazard Areas are amended in this Plan, the implementing Zoning By-law will be amended as required.

zoning

- 8.1.12** Group A and Group B features of the Natural Heritage System and Natural Hazard Areas will be zoned in a separate category in the implementing Zoning By-law.

8.2 Significant Natural Areas

- 8.2.1** The Municipality will designate Significant Natural Areas as Natural Heritage System according to their identification in this Plan as Group A features, Group B features, or Group C features, or other suitable designations and will encourage the maintenance of these lands in their natural state where possible.

significant natural areas and environmental evaluations

- 8.2.2** Significant Natural Areas shall include features and boundaries that are identified or evaluated as further studies or evaluations are completed subsequent to the adoption of this Plan, including features that have not been comprehensively assessed on a County-wide level such as significant valleylands, habitat of endangered species and threatened species, and significant wildlife habitat. This Plan will reflect the most up-to-date information when adopted and when formally reviewed under Section 26 of the *Ontario Heritage Act*.

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

other natural features

- 8.2.2.1** The Municipality will designate provincially and locally significant wetlands in this Plan as identified and delineated by the Ontario Wetland Evaluation System (OWES).
- 8.2.2.2** The Municipality will identify significant woodlands in this Plan and its Zoning By-law using the criteria and mapping contained in the draft Lambton County Natural Heritage Study (2014).
- 8.2.2.3** Endangered species and threatened species and their habitat are protected by the Endangered Species Act, 2007. Delineations of these areas represent sensitive information and the Species at Risk in Ontario List is subject to change. These areas therefore are not shown on Schedule B of this Plan and will include areas not specifically designated as natural heritage features in this Plan and/or areas not known by the County or Municipality to be habitat of endangered species or threatened species. Where there is reason to believe that proposed development will be located in or adjacent to the habitat of endangered species or threatened species, the proponent will be notified of the requirement to ensure their due diligence under the Endangered Species Act, 2007, which should include consulting with the Province regarding the need for further investigations.
- 8.2.2.4** Fish habitat is not specifically designated on Schedule B in this Plan. Development within 120 metres of surface water features (excluding off-stream, man-made ponds) will be directed to the province for screening for fish habitat. Fish habitat will be protected from harmful alteration, disruption or destruction unless authorized under the Fisheries Act. In all cases, the guiding principle of no net loss of productive capacity will be utilized.
- 8.2.2.5** Significant valley lands are not specifically designated on Schedule B in this Plan. For purposes of identification, they are lands having a slope of 10 percent or more over a sustained area.
- 8.2.2.6** Significant wildlife habitat is not specifically designated on Schedule B in this Plan but may be coincident with other significant natural areas identified by this Plan. Specific wildlife habitats of concern may include areas where species concentrate at vulnerable times in their annual or life cycle or areas which are important to a species' migration or wintering. The Province of Ontario's Significant Wildlife Habitat Technical Guide shall be used to identify and determine significant wildlife habitat on a site-specific basis when development or site alteration requires an environmental impact study.

municipal activities

- 8.2.3** It is recognized that there will be natural features, located both within and outside the areas designated as Hazard and part of the Natural Heritage System that may be important elements of the Municipality's natural heritage. To protect these, the Municipality will work with residents, service clubs and/or

naturalist groups to identify the natural features, such as rare trees, tree rows, vegetated areas, secondary corridors, linkage areas, and wildlife habitat; except where the policies of this Plan are more definitive as to what is required, the Municipality will encourage development proponents to conserve and enhance these features as part of the development approval process.

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

watercourses

- 8.2.5** Development along watercourses will be planned such that harmful alteration, disruption and destruction of fish habitat is avoided. The following principles will apply to any development that borders a watercourse in the Municipality:

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

trees

- 8.2.6** In order to maintain a healthy stock of mature trees, the Municipality will require development proponents, as a condition of approval, to preserve mature trees where possible and when trees must be removed, these shall be replaced with new plantings in a reasonable time by trees of similar species and of sufficient maturity to enhance the appearance of the development. In addition, the Municipality will encourage the introduction of new tree plantings as one component of the development approval process. The Municipality will require the use of indigenous trees and, to a lesser extent shrubs, wherever practical in connection with landscaping plans, site plan approvals, subdivision agreements, wind breaks and reforestations done in connection with permits to remove trees

issued by the County of Lambton. The Municipality will also use indigenous species for municipal lands and parks and as part of any municipal plantings within public road allowances.

woodlot management

- 8.2.7** In accordance with the County of Lambton Woodlands Conservation By-law, no clearing of woodlots will be permitted except for minor clearing for convenience purposes as approved by Lambton County Council. County Council may require, as a condition of approval, reforestation of, at least, an equivalent area of land, or planting of a fence line or windbreak.

Where forest cover has been removed and is to be replaced as a condition of a development approval, the use of indigenous species of vegetation is encouraged. Restoration work should be required at rate of twice the area of forest cover that was removed. Preference will be given to replacing the trees at the same site and/or within the Natural Heritage System and Natural Hazard lands. The replacement tree stock should consist of indigenous species where quality stock is available and be maintained by the proponent to the free to grow stage. Long term management of these replacement trees will comply with the County of Lambton Woodlands Conservation By-law.

legislative measures

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

tree saving plans

- 8.2.9** Development proponents within or adjacent to wooded areas will be required to submit a Tree Inventory and Preservation Plan, satisfactory to the Municipality as a condition of approval. The Tree Saving Plan shall:

- a) contain an inventory of existing tree species and condition;
- b) indicate the impact of development on existing trees and the wild life habitat that they provide;
- c) indicate measures necessary to reduce the negative effect of development;
- d) indicate the trees to be removed and ensure the preservation of the remaining trees;
- e) indicate a plan for the replacement of trees with suitable quality stock, preferably of indigenous species, and maintenance of replacement trees to a free to grow stage;
- f) be included in the development agreement; and

- g) incorporate the requirements of an Environmental Impact Study if the wooded area is part of a Significant Woodland, as defined in the County of Lambton Official Plan.

natural corridors

- 8.2.10** Improving linkages within the Natural Heritage System through a comprehensive system of primary corridors and linkage features will be encouraged. Stewardship initiatives and compatible land uses will be encouraged in an effort to restore areas of vegetation gaps and woodland openings within these natural corridors. Any reforestation required under the County of Lambton Woodlands Conservation By-law or a Tree Inventory and Preservation Plan should maintain and enhance existing corridors where practical.

8.3 Natural Hazards

Major watercourses, corresponding flood plains and valley systems with significant slopes represent constraints to development. The following policies apply to development and site alteration within those areas of the Municipality that are susceptible to flooding and erosion, and more generally to any location where such conditions as described in this section exist.

Such natural hazards are generally located in St. Clair Region Conservation Authority regulated areas identified as Areas Affected by Regulation (O. Reg. 171/06) in Appendix 1.

8.3.1 general policies

- 8.3.1.1** New development in the Municipality will generally be directed away from areas with known or suspected natural hazards, which include:

- a) flooding and erosion hazards related to rivers and streams;
- b) hazardous sites related to organic soils;
- c) high water table areas and groundwater recharge areas; and
- d) hazardous forest types for wildland fires.

- 8.3.1.2** The Municipality may permit development and site alteration to occur on natural hazard lands and associated sites, except within a floodway, if all the following can be achieved:

- a) all policies are met with respect to any coincidental natural heritage features;
- b) hazards can be safely addressed and development and site alteration is carried out in accordance with floodproofing, protection, and access standards and procedures such as those related to hydrogeological and geotechnical engineering practices;

- c) new hazards are not created and existing hazards are not aggravated;
- d) no adverse environmental impacts will result;
- e) vehicles and people have a way of safely entering and exiting the area, as per Provincial Standards, during times of flooding, erosion, and other emergencies (unless the site access is appropriate for the nature of development); and,
- f) the proposed use is not an institutional use, essential emergency services, or operations related to the disposal, manufacture, treatment or storage of hazardous substances.

8.3.1.3 The Municipality will prepare appropriate zoning provisions for natural hazard lands that:

- a) prohibit uses other than agriculture, conservation, forestry and wildlife management;
- b) prohibit buildings or structures except where they are intended for flood or erosion control or are normally associated with protection works, bank stabilization projects, transmission or distribution pipelines approved by the National Energy Board or Ontario Energy Board, or electricity transmission and distribution systems; and,
- c) impose development setbacks in relation to the severity of existing and potential environmental hazards.
- d) technical studies, including floodplain or geotechnical studies, may be required to inform appropriate setbacks. The Municipality will consult with the Conservation Authority on required studies.

8.3.1.4 For any development or site alteration proposed within lands regulated by the Conservation Authority, the proponent must obtain written permission from the Conservation Authority before the Municipality will issue a building permit.

8.3.1.5 Where an existing legal non-conforming or non-complying building or structure lying within all or part of hazard lands is destroyed in a manner not related to the inherent environmental hazards of the land, the Municipality shall permit the building or structure to be rebuilt only if the Conservation Authority permits the reconstruction.

8.3.2 Flood Plain Policies

regulatory flood standard

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

one zone concept

8.3.2.2 The flood plain for major watercourses exhibiting valley topography is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will

be determined in consultation with the local Conservation Authority. Permitted uses, development and site alteration are subject to the policies of 8.3.1 in this Plan.

All buildings and structures will be prohibited except for:

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

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

absence of engineered floodlines

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

existing development in the floodplain

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

8.3.3 Unstable Lands

setbacks from slopes

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

engineering and geotechnical studies

8.3.3.2 Where slope stabilization, development or redevelopment is proposed near the top-of-bank of a major watercourse or significant slope, the proponent will

consult with the Municipality regarding the need for geotechnical or engineering studies.

8.3.3.3 Where Ontario Regulations stipulate, the Municipality will consult with the Conservation Authority, however, outside regulated areas, the Municipality may consult with the Conservation Authority at its own discretion. The Municipality will reserve the right to require geotechnical and/or engineering studies and/or works.

8.4 Environmental Impact Studies

8.4.1 An Environmental Impact Study (EIS) shall be required in accordance with the policies of this Plan for development and site alteration in the Natural Heritage System. The study shall demonstrate that no negative impact on the natural features or the ecological functions for which the feature is identified. The study may determine the nature and extent of the feature and its ecological function; may incorporate a buffer or setbacks from the feature; and may result in a site layout that addresses the study recommendations.

8.4.2 An EIS required under this Plan shall be submitted with the development application and shall be prepared and signed by a qualified biologist or environmental planner. A peer review of the EIS may be required by the Approval Authority.

8.4.3

- a) An EIS shall be required for development on lands adjacent to significant natural heritage features (i.e. Group A and Group B features). The lands defined as Adjacent Lands are generally within 120 metres of the feature unless an alternative standard for Adjacent Lands is established through the County Official Plan.
- b) The extent of Adjacent Lands where an EIS is required may be reduced on a site-specific basis, based on the nature of the features, the existing conditions of the site and surrounding lands, the scale of the proposed development, and the likelihood of negative impacts the natural heritage features.
- c) An EIS may be required for development within or adjacent to Group C features, as determined by the Municipality in consultation with the Conservation Authority.

8.4.4 An EIS shall be completed in accordance with the process requirements as outlined in the County Official Plan.

8.4.5 The required scope and/or content of an EIS may be modified, through pre-consultation with the Municipality, County, and the Conservation Authority where the environmental impacts of a development application are thought to be limited, or if other environmental studies fulfilling some or all requirements of an EIS have been accepted by the Municipality and County.

- 8.4.6** An EIS may not be required where the Municipality, in consultation with the County and the Conservation Authority, determines that no negative impacts would be anticipated on the natural heritage feature or adjacent lands. The requirements for an EIS may be reduced or removed in the following circumstances and only where no negative impact is anticipated:
- a) Where the proposed development is small scale (non-agricultural development); or
 - b) Where the proposed development is small or medium scale (agricultural development only); or
 - c) Where the proposed development is not in an area regulated by the Conservation Authority; or
 - d) Where the proposed development is on an existing lot of record; or
 - e) Where the development is an addition located away from the feature; or
 - f) Where the proposed development is separated from the feature by a road or existing development; or

Where the development is wholly contained within the existing footprint or includes a minor addition that is > 15m from the feature.

- 8.4.7** An EIS is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation or a watershed plan carried out by the County of Lambton and/or a Conservation Authority.

- 8.4.8** Where it is demonstrated that all, or a portion of, a Group B or Group C feature does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Group B or Group C feature or adjacent land then the restrictions on development and site alteration set out do not apply. This policy requires an EIS or study through an Environmental Assessment process to determine whether the designation is still appropriate.

- 8.4.9** The Municipality, in coordination with The County and in consultation with the Conservation Authority, may develop guidelines for the evaluation of development proposals consistent with the policies of this Plan.

8.4.10 Tree and Woodland Protection

- a) The Municipality recognizes the importance of trees and woodlands to the health and quality of life in our community. The Municipality shall encourage sustainable forestry practices and the protection and restoration of trees and forests.
- b) Opportunities for tree planting on Municipality-owned lands (such as lands designated Open Space and inactive portions of parks) shall be identified and implemented in co-operation with government agencies and local interest groups. In restoration efforts, the Municipality shall plant only indigenous species, preferably those of local origin.

- c) Where the Municipality is undertaking infrastructure work, existing woodland resources shall be protected and preserved, where feasible. If it is necessary for infrastructure works to destroy any trees, excluding trees that are listed as threatened or endangered species, the Municipality shall endeavour to compensate by re-planting on site and/or planting trees elsewhere. Should the removal/destruction of any trees that are listed as threatened or endangered species be required to complete infrastructure works, the Municipality will contact the appropriate Provincial authority to determine the necessary approvals and mitigation.

8.4.11 Any land dedication that may be accepted by the Municipality shall be managed consistent with the Natural Heritage Policies of this Plan.

9.0 Resource Extractive

9.1 Permitted Uses

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

Resource extraction is discouraged in Provincially Significant Natural Heritage Features as identified in the County Official Plan. The Municipality discourages resource extraction in locally significant natural heritage areas and the removal of sizable, healthy woodlots for extraction purposes. Where extraction is permitted, it should be contingent upon rehabilitation plans that re-establish a comparable or improved natural heritage feature and/or system.

9.2 General Policies

Existing licensed resource extractive operations will be protected from activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact.

In areas adjacent to or in known mineral resource areas, development that would preclude or hinder the establishment of new operations or access to the resource will only be permitted if:

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

wayside pits and asphalt plants

- 9.3** Wayside pits and quarries, and portable asphalt plants, used on public authority contracts will be permitted in all land use designations except Natural Heritage and Natural Hazard Areas and areas where conflicts with existing developments would occur. A Zoning By-law amendment will be required to establish a new

wayside pit or quarry in an area of existing development or in an area of particular environmental sensitivity.

extractive operations on lands designated

9.4 Expansion of existing licensed resource extractive operations, or the establishment of new operations, on lands designated Resource Extractive will require an amendment to the Zoning By-law. Applications to consider new or expanded resource extractive operations will be considered on the basis of:

- a) The effect on the water resources, the Natural Heritage System and the Natural Environmental designations within 120 metres of the subject lands through the preparation of an EIS, and a hydrogeology study;
- b) The effect on ground water and existing wells surrounding the property including on or adjacent to potential recharge areas;
- c) A rehabilitation plan;
- d) A site development plan, which includes the following information:
 - i. The shape, topography, contours, dimensions, size and location of the property to be redesignated and/or rezoned as well as the extent of adjacent property held for future pit or quarry operations,
 - ii. A description of the surrounding lands including land uses, location and use of buildings and structures, fences, significant natural features and wells within a distance of 120 metres and other lands owned by the applicant;
 - iii. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
 - iv. Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks;
 - v. Drainage provisions;
 - vi. All entrances and exits;
 - vii. As far as possible, ultimate pit development or quarry development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation, and where possible intended use of the land after the extractive operations have ceased; and
 - viii. Cross-sections through the deposit and the estimated quality and quantity of the resource.
- e) The haulage routes proposed to and from the site, the traffic volumes anticipated and a traffic impact study;

- f) The effect of the operation on nearby residents including noise, dust and vibration concerns;
- g) The effect on archaeological resources and cultural resources;
- h) A Planning Assessment Report, which assesses land use compatibility and policy conformity issues including the relevant policies of this Plan, except that demonstration of need shall not be required;
- i) For applications on lands currently designated Agricultural Area, the applicant shall further demonstrate that the rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality, including soil capability for agriculture are restored; and
- j) Such other relevant matters, as Council deems necessary.

The Zoning By-law may contain Holding provisions which will be used where it is necessary to zone lands for development where the future land use has been sufficiently justified but where there are outstanding matters which cannot be handled through zoning and more specifically identified as:

- a) Water, wastewater and/or storm water servicing requirements;
- b) Road improvements or extensions;
- c) Dedication of lands for park purposes or payment of cash-in-lieu for park land dedication;
- d) Verification of suitable environmental site conditions;
- e) Special land use policies, including but not limited to policies to guide redevelopment or certain lands and/or policies to guide appropriate urban design;
- f) Phasing of development; or
- g) An Environmental Impact Study which determines specific measures to prevent impact on natural heritage features.

extractive operations on lands not designated

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

- a) The location, shape, topography, contours, dimensions, area and characteristics of the lands to be used for the new resource extraction operation;
- b) The use of all land, and the location and use of all buildings and structures on the subject lands and within 500 metres (1640 feet) of any

of the boundaries of the lands to be used for the resource extraction operation;

- c) The specific location, type, quantity and quality of the mineral resources within the lands to be used for resource extraction purposes;
- d) Plans showing progressive grade changes, excavation setbacks, proposed buildings, changes to the drainage systems, access points, mineral storage areas, screening and berming and progressive rehabilitation of the site during the active life of the resource extraction operations; and
- e) All proposals for new licensed mineral aggregate shall include plans for rehabilitation. These rehabilitation plans shall:
 - i. Provide for progressive sequential rehabilitation wherever feasible;
 - ii. Be prepared in detail by a recognized expert under the Aggregate Resources Act prior to any approvals being given;
 - iii. Be compatible with the long-term uses permitted by the Official Plan;
 - iv. Provide a detailed agricultural rehabilitation plan where lands have a Class 1, 2 or 3 soil capability. Rehabilitation must ensure that substantially the same acreage and same average soil quality including soil capability for agriculture are restored; and
 - v. Consider the surrounding land uses and approved land use designations and recognize the interim nature of extraction.
 - vi. The requirements of Policy 11.4 of this Plan.

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

pit rehabilitation

- 9.6** When the extraction of the mineral resources has been concluded in accordance with the Official Plan for the Municipality and with all site plan agreements, and all rehabilitation requirements, the Resource Extractive Areas will only be used in accordance with the Agricultural Area policies of this Plan unless designated otherwise by an Amendment to this Plan.
- 9.7** Progressive or sequential rehabilitation of lands within Resource Extractive Areas will be encouraged in accordance with a rehabilitation plan prepared in accordance with the Aggregate Resources Act, as amended.

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

- a) there is a substantial quantity of mineral resource below the water table warranting extraction; or,
- b) the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; and,
- c) other alternatives have been considered and found unsuitable; and,
- d) agricultural rehabilitation in remaining areas will be maximized.

Where it is not feasible to return the lands to agriculture, priority should be given to assessing the feasibility of rehabilitation to a use which provides significant social and environmental benefits. The use should result in environmental improvement or net environmental gain. Features such as woodlots, wetlands, fish and wildlife habitat areas, integrated water systems or passive recreational opportunities may be appropriate.

provincial requirements

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

development agreements

- 9.9** Mineral aggregate resource operations and associated operations may be required to enter into a development agreement with the Municipality. Such an agreement shall include, but not limited to the following:
- a) Access routes to be used and requirements for the improvement and maintenance of access routes;
 - b) Restoring damages;
 - c) Arrangements for adequate screening to provide a visual buffer between the proposed aggregate operation and any road or surrounding sensitive land use. Such screening shall be established effectively prior to operations commence;
 - d) Provision for acceptable discharge and storage practices;
 - e) Issues of public safety, public health and environmental impacts; and,
 - f) Other matter as Council may deem necessary and in the public interest.

zoning

- 9.10** Setback distances for licensed operations are set out by regulation in the Aggregate Resources Act. Similarly, all proposed development adjacent to a licensed quarry must maintain a minimum setback of 500 metres from the quarry operation. All proposed development adjacent to a licensed pit must maintain a minimum setback of 300 metres from the pit operation. The above distances may be reduced if proponents of any proposed adjacent development can demonstrate through studies that any potential hazards or land use conflicts with adjacent Extractive Industrial operations can be eliminated through the incorporation of special planning design and construction techniques like landscaping, buffering, setbacks or other mitigation measures. Proposed development shall demonstrate that it will not result in the preclusion or hindrance of the expansion of the mineral aggregate operation or its continued use or will not be incompatible for reasons of nuisance, public health, public safety or environmental impact.
- 9.11** In providing comments to the Ministry of Natural Resources on an application for license under the Aggregate Resources Act, the Municipality shall consider the need for screening, setbacks, fencing, hours of operation, surface and groundwater monitoring, noise, air quality, traffic control, rehabilitation, vibration from blasting, the cumulative effects of the proposed license area together with existing licensed areas on agriculture, environment features, commercial and residential areas and such other relevant matters as are considered appropriate by the Municipality.
- 9.12** In considering an application to amend the Official Plan and Zoning By-law, Council shall consult with Provincial Ministries and any other agency having jurisdiction to ensure that the activities of, and rehabilitation of, an extractive operation will be carried out in accordance with the appropriate legislation and to ensure that the effects on the social and natural environment are properly considered.
- 9.13** Planning decisions shall take into consideration the locations of oil and gas resources as identified in the County of Lambton Official Plan. The mapping of the resources in the County Official Plan is not definitive and may have historical inaccuracies. For sites with or near resource features, the Municipality and development proponents should reference the Ontario Oil, Gas, and Salt Resources Library for the most up to date information and specific feature details including estimated accuracy of well locations. In coordination with the County of Lambton, the Municipality shall consult with the Province:
- a) Where new development is proposed adjacent to or in areas of known oil or gas pools;
 - b) Regarding new non-petroleum developments located less than 75 metres from existing wells. This setback should ensure adequate spacing around the well head to provide access for maintenance and general safety;

- c) Where development is proposed above former and potential salt solution mining operations and resources; and

Where assistance is needed in the identification of well sites, in areas suspected of containing improperly plugged wells.

- 9.14** As a condition of development approval, the Municipality will require that improperly abandoned (plugged) wells that are known or discovered on the lands during the development process will be properly plugged, capped or otherwise made safe in accordance with Provincial requirements. Building locations should be examined for the presence of possible well sites using established standards, procedures, and mapping. Areas where wells are located should be avoided when siting buildings unless it can be demonstrated that development can safely occur. If possible, building should not be located over known abandoned or plugged wells.
- 9.15** Aggregate Resource Extraction shall be recognized in the Comprehensive zoning by-law. Any commencements or expansions would require an amendment to the comprehensive zoning by-law and where applicable a license from the Ministry of Natural Resources.

10.0 Cannabis

10.1 Cannabis Production Facility: means any indoor building structure, or lands licensed by, Health Canada to undertake cultivation, processing, sale, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the Cannabis Act, or successor legislation. A cannabis production facility excludes the outdoor cultivation and processing of cannabis.

10.2 Cannabis production facilities may be permitted in the following land use designations subject to the policies of this Plan:

- a) Industrial
- b) Agricultural Area

Cannabis production facilities within all other land use designations are prohibited.

10.3 Within the land use designations specified in Section 14.2 of this Plan, a cannabis production facility shall require a rezoning application and a Site Plan application to be approved by the Municipality. Both the rezoning application and Site Plan shall address the following:

- a) Conformity with the Province of Ontario's Sensitive Land Use Guidelines ("D-6") as amended from time to time;
- b) Noise, odour, and wind through studies prepared by a qualified professional;
- c) Photometric analysis including studies of night light and impacts prepared by a qualified professional;
- d) Servicing including stormwater management;
- e) Security plan and site design for security;
- f) Waste management plan; and,
- g) Mitigation plan including mitigation for sensitive land uses.

10.4 A cannabis production facility is defined as an indoor facility in accordance with Policy 14.1 of this Plan. Outdoor cultivation and processing of cannabis shall require an amendment to this Plan, a rezoning, and a Site Plan application to be approved by the Municipality. Outdoor cultivation and processing may be considered only in the Agricultural Area and no other land use designation. Applications for outdoor cultivation and processing shall address the requirements of Policy 14.4 of this Plan.

11.0 Uses Permitted in All Designations

11.1 Day Care Centres

- a) Day Care Centres shall be permitted on all school sites;
- b) Day Care Centres shall be permitted within a Place of Worship or other place of public assembly, a commercial place of employment, a community centre, all residential designations, institutional designations, and subject to provincial licensing policies;
- c) Day Care Centres in an industrial place of employment shall not be permitted as a stand-alone use;
- d) Day Care Centres shall be designed to provide appropriate facilities for parking, pick-up and drop-off areas. Appropriately located and screened play areas shall be provided; and,
- e) Day Care Centres should not be located in lands identified as Natural Hazard and/or Category A Natural Heritage Features unless an Environmental Impact Study establishes the appropriate location for the Day Care Centre on the proposed site.

PART C: MUNICIPAL SERVICES & UTILITIES

1.0 Transportation

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

1.1 Road System

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

1.1.1 Arterial Roads

function

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

access

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

right-of-way width

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

intersection improvements

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

new intersections

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

setbacks

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

high traffic land uses

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

trucks

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

1.1.2 Collector Roads**function**

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

access

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

right-of-way width

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

intersection improvements

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

location and design

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

1.1.3 Local Roads**function and access**

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

right-of-way width

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

1.1.4 General Road Policies**land acquisition for roads purposes**

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

development applications & road widening

- 1.1.4.2** Road widening, as a condition to the approval of new development, may be required in accordance with the Site Plan Control and consent policies of this Plan.
- 1.1.4.3** New development will be prohibited on private roads, except within approved Plans of Condominium or on existing lots fronting onto an existing private road. The Municipality must be satisfied as to the adequacy of the private road to accommodate anticipated traffic.
- 1.1.4.4** Land will be conveyed at no expense to the Municipality for municipal road widenings as a condition of severances, plans of subdivision, or as a consequence of new development, changes in use that generate significant traffic volumes, additions that substantially increase the size or usability of buildings or structures, where the subject lands front on municipal roads. For

lands fronting on County or Provincial roads, development proponents are encouraged to consult with the appropriate County or Provincial road authority.

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

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

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

municipal services

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

public utilities

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

other public services

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

relocation of services

- d) The primary function of all road rights-of-way is to serve the transportation system needs of the municipality. The secondary function of all road rights-of-way is to provide for the distribution of municipal services and utilities to inhabitants of the municipality. Where a road right-of-way is used for any other purpose (such as the provision of other public services or transmission lines), such use shall be at the

risk and expense of the proponent. The municipality may direct the location or relocation of any fixture or thing (system, transmission line, etc.) in the road right-of-way. All expenses associated with the construction, relocation or removal of any fixture or thing maintained in a road right-of-way shall be borne by the owner of the thing.

1.1.5 General Development Policies

- a) Landscaping and other techniques should be utilized to minimize the visual and noise impacts from roadways on adjacent residential development or in the immediate vicinity of existing or proposed arterial roads.
- b) New large scale development proposals that may generate significant traffic volumes may require a transportation study to assess the impacts on the road network and the local land uses.
- c) Proposed development adjacent to and in the vicinity of a Provincial Highway within the Ontario Ministry of Transportation permit control area will be subject to review and a permit by MTO. Early consultation with MTO is encouraged by development proponents.

Proposed development adjacent to and in the vicinity of a County Road will be subject to review by the County of Lambton. Early consultation with the County of Lambton is encouraged by development proponents.

heritage roads

1.1.5.1

- a) The Municipality should identify, conserve and manage heritage roads and associated features where such roads exhibit one or more of the following:
 - i. Indigenous history;
 - ii. Historical association with a theme of human history (Indigenous or European) that is representative of the development and use of land in the Municipality;
 - iii. Historical associations with the life or activities of a person, group, or organization that has made significant contribution to the community, province, or nation; or,
 - iv. Scenic routes with a sense of position or place.
- b) Heritage roads should be conserved and protected by the appropriate road authority and should endeavour to protect:
 - i. Existing road surface widths where they contribute to the heritage character of the road;

- ii. Existing trees and tree lines within the road allowance;
- iii. Other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fence lines;
- iv. Transportation related heritage features where they contribute to the specific to the special character of the road.

1.2 Parking Facilities

minimum standards

- 1.2.1** The Zoning By-law will establish minimum off-street vehicle and bicycle parking standards for all appropriate land uses and forms of development. Off-street parking lots shall be satisfactorily screened and landscaped to minimize or mitigate any adverse effects on surrounding uses.

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

on-street parking discouraged

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

accessible to persons with disabilities

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

parking provided on same lot

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

cash in lieu

- 1.2.5** The Municipality may accept cash in lieu of parking spaces subject to the following provisions:
- a) Cash in lieu of parking will not be acceptable for operations that provide short term accommodation (e.g. motels, bed and breakfasts).
 - b) Cash in lieu of parking will not be accepted for highway commercial areas unless it is determined that adequate parking is provided through communal parking areas (e.g. shared parking in plazas).

- c) Cash-in-lieu of parking is not required for exclusively internal renovations to a property designated under Part IV of the *Ontario Heritage Act* or to a character defining property designated under Part V of the *Ontario Heritage Act*. Relief with respect to parking may be required through a Planning Application.

1.3 Pedestrian and Bicycle Traffic

sidewalks and walkways

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

bicycle ways

- 1.3.6** Bicycle ways within parks and between residential areas and schools, parks and commercial facilities will be provided wherever feasible.
- 1.3.7** During most times of the year, the bicycle is a viable alternative to other modes of transportation, is environmentally sound, and supports active, healthy lifestyles. Wherever feasible, the Municipality will promote and initiate improvements to enhance bicycling as a means of transportation.

lead by example

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

1.4 Greenway Linkages and Active Lifestyles

Greenway Strategy

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

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

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

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

Community Benefits of Greenways

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

site plan approval

Where site plan approval is required as a condition of any development being undertaken, the proponent may be required to provide on-site elements to

promote the use of active transportation. These elements may include, but are not limited to, bicycle racks, benches and similar features."

1.4.1 Trails

The Municipality supports the development of an integrated trail system through the following means:

- a) Working with The County of Lambton to review the potential of connecting natural heritage features where appropriate and more broadly links within settlement areas;
- b) Reviewing development proposals in partnership with The County of Lambton to identify opportunities for trail development. Land dedication for trail purposes may be a requirement of development approval.

2.0 Public Uses and Utilities

2.1 General Policies

Except as provided for in Section 2.2, the following public services and facilities are permitted in all land use categories, subject to the development policies of this Plan:

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

2.2 Restrictions on Public Uses

compatibility with residential areas

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

agricultural land

2.2.2

- a) Where public services and facilities are proposed on high capability agricultural land (Canada Land Inventory Class 1 to 3), the need must be documented, as must the reasons why lower capability or marginal land cannot be used.
- b) Consents for new utility corridors should not fragment agricultural land parcels.

significant natural areas

2.2.3

- a) The public services and facilities listed in Section 2.1 will be prohibited in significant natural areas unless they are authorized under an environmental assessment process, or subject to the Drainage Act.

- b) Where woodlot locations cannot be avoided, tree cover removed will be replaced with twice the area of tree cover that is removed at a location specified by affected landowner. The Municipality will work with the County to ensure an appropriate location is selected.
- c) The environmental policies of this Plan shall apply to the design, construction, site restoration and maintenance of public utilities.

2.2.4 The Municipality will ensure that all municipal services meet the needs of present and future residents and businesses in an efficient, accessible and environmentally sensitive manner.

community gardens

2.2.5 Community gardens are permitted on all public lands where compatibility with existing and planned uses is achieved. This policy shall be implemented through the Zoning By-law.

2.3 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 and above, or facilities that transform from above 50 kilowatts to less than 50 kilowatts including all works as defined in The Power Corporation Act and succeeding legislation, (such as transmission lines, transformer stations and distributing stations) will be permitted in any land use designation without an amendment to the Plan provided that such development satisfies the provisions of The Environmental Assessment Act, including regulations made under the Act, and any other relevant statutes. The electric power utility will be required to consult with the Municipality regarding the location of new electric power facilities.

other electric facilities

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

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

secondary uses

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

2.4 Gas Pipelines

- a) Applications under the *Ontario Heritage Act* shall consider implications to pipelines. The Municipality shall consult with the appropriate pipeline provider on applications incorporating the National Energy Board and Canadian Standard Association requirements. No permanent building should be on or within 7m of a pipeline right of way.
- b) Proponents of any development within 200 metres of a pipeline right of way shall be encouraged to consult with the operator. Pipeline operators will be circulated applications within 200 metres of a known pipeline right of way.

3.0 Municipal Services, Stormwater Management and Sensitive Land Uses

Infrastructure is important in achieving a number of priorities for the Municipality. Infrastructure policies will ensure that the Municipality:

- a) Plans for growth;
- b) Integrates a life cycle approach to municipal infrastructure to support wise use of Municipal financial commitments;
- c) Addresses the long term commitment to the Municipality's environment through infrastructure planning;
- d) Promotes water conservation;
- e) Promotes health and safety of the Municipality, its residents, and the natural environment; and,
- f) Addressing the changing climate.

3.1 Sanitary Sewerage

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

3.1.1 Policies

municipal service area

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

special industrial servicing

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

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

reallocation of capacity

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

phasing of development

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

individual sanitary sewage treatment and disposal systems

- 3.1.1.5** New development, located outside the sewer service area and requiring individual systems, will be permitted if the proposed site can accommodate an individual sanitary sewage treatment and disposal system based on the following criteria:
- a) The lot area will comply with the requirements of the Province or its designated agent and be large enough for the type of development proposed and the system(s) to be used;
 - b) A Certificate of Approval for an individual sanitary sewage treatment and disposal system is to be obtained;
 - c) The proponent of a development or expansion of any use obtains a Certificate of Approval for the expansion or alteration of an existing sewage system. No redevelopment or expansion should create or aggravate a pollution problem; and,
 - d) The proposed system is consistent with the natural heritage policies of this plan and the Source Water Protection Policies of this Plan.

Any development which is not serviced by full municipal services and is proposed on communal, partial municipal or individual on-site systems must be supported by studies which include, as a minimum, evaluations of soil percolation rates, impacts on ground water resources, ground water mounding and adjacent watercourses. Reserve areas for replacement septic systems will be required when the mode of sewage servicing is individual private sewage systems or communal systems. Where new multi-lot clusters are proposed, proponents will be required to submit soils and hydrological studies completed by qualified engineers or hydrogeologists with recognized experience in sewage and potable water system designs.

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

3.2 Water Service

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

3.2.1 Policies

municipal service area

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

private water supply

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

industrial process use

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

high volume industrial users

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

3.2.1.5 new development

New subdivisions shall be serviced with looped water lines. The provision of subdivision layouts that allow the looping of new waterlines shall be required wherever possible.

3.3 Storm Water Management

The traditional approach to managing stormwater has been to remove runoff from parking lots, roads and lots as quickly as possible and channel it to nearby watercourses through a system of subsurface drains. This approach has a number of drawbacks including water pollution, excessive loading of sewage treatment plants where storm sewers connect with sanitary sewers, lowered water tables, erosion and increased dependence upon costly public drainage works infrastructure.

The current direction in managing stormwater is to utilize the natural absorption and infiltration qualities of the ground to induce ground water recharge and to filter out various impurities. The principles of natural stormwater management fit into the larger concept of watershed and sub-watershed planning.

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

3.3.1 POLICIES

3.3.1.1 Planning for stormwater management shall:

- a) Be integrated with planning for water and wastewater;
- b) Address the changing climate;
- c) Promote water conservation and efficiency;
- d) Support the use of green infrastructure;
- e) Promote a healthier natural environment including water quantity and quality
- f) Ensure financial viability of stormwater infrastructure.

retention and detention

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

- a) The use of greenspace for detention/retention ponds;
- b) The integration of detention/retention ponds into the municipal open space system;
- c) The use of cisterns or drywells on site which capture water for non-potable uses (lawn watering, car washing);

- d) The use of infiltration trenches;
- e) Processes such as man-made wetlands and permeable surfaces to absorb and distribute stormwater and recharge groundwater;
- f) The use of oil grit separators; and,
- g) Minimizing the impact of large impervious surfaces through pervious surface treatments, landscaping, and other on-site design and management practices.

management principles

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

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

separation of stormwater from sanitary sewers

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

municipal and agricultural drains

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

- a) grassed slopes and other forms of plantings, or other suitable erosion control methods should be introduced and maintained on the banks of drains to add to the stability of the drainage channel;
- b) tile outlets should be constructed to minimize erosion along watercourses;
- c) tree planting or other buffer measures should be installed where appropriate to act as a windbreak, protect drain banks, and to restrict cultivation near drain banks;
- d) ponding areas should be incorporated in drains to reduce the speed and volume of flow, to act as settling areas for water borne particulates, to enhance evaporation and to serve as water storage areas.

3.3.1.6 limiting costs

The Municipality recognizes the potentially high cost of stormwater management in terms of engineering and construction fees and the barrier this can be to the establishment or expansion of small businesses and institutions. The Municipality may determine no need for stormwater management measures for minor extensions of buildings, parking areas, or other hard surfaces, or on small sites where the ability to provide retention does not exist. The Municipality may accept non-engineered control measures that will obviously address quality and/or quantity control adequately and produce no adverse effects on neighbouring properties or watercourses. Such determinations shall be at the discretion of the municipal engineer and, if the engineer deems necessary, in consultation with the Conservation Authority.

3.4 Land Use Compatibility

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

- 3.4.1** Where appropriate, consideration may be given by the Municipality, at the Municipality's sole discretion, to the use of the Class 4 area classification, as provided for in the applicable Provincial environmental noise guideline (currently MECP Environmental Noise Guideline NPC-300) for a residential site (or sites).

The area (or sites) to be affected must be approved by Council or the relevant approval authority.

The use of Class 4 will only be considered by Council where it can be demonstrated that:

- a) the development proposal is for a new noise sensitive land use in proximity to an existing, lawfully established stationary noise source;
- b) the development proposal for a new noise sensitive use does not impair the long-term viability and operation of an employment use;
- c) it is in the strategic interest of the Municipality, furthers the objectives of the Official Plan and supports community building goals; and,
- d) all possible measures of noise attenuation have been assessed for both the proposed development site and the stationary noise source, including, but not limited to, building design and siting options for the proposed new noise sensitive use;

Notwithstanding the above, the use of Class 4 will receive more favourable consideration if the stationary noise source is a temporary situation and it is expected that the stationary noise source will be removed through future development.

If Council supports the use of Class 4 for an area or site proposed for a new sensitive land use, proponents for noise sensitive land uses proposed in a Class 4 area shall, at a minimum, ensure that the following are addressed:

- a) Appropriate noise impact assessments are conducted to verify that the applicable sound level limits will be met;
- b) Noise control measures are completed or in place, including receptor and source-based measures, as may be required to ensure compliance with the applicable sound level limits at the new noise sensitive land use;
- c) Enter into appropriate agreements with the Municipality (and any other relevant approval agencies), to confirm all relevant requirements have been met; and,
- d) Registration on title of any recommended noise mitigation measures, including appropriate noise warning clauses to notify prospective purchasers that applicable Class 4 (as per Guideline NPC-300) area sound level limits for the affected dwelling are protective of indoor areas and are based on the assumption of closed windows.

3.5 Decommissioning

Where a change in land use is proposed and the previous or existing use has the potential to cause environmental contamination, the site will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. Adverse effects include one or more of the following: impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or plant and animal life;

harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for use by humans; loss of enjoyment of normal use of property; and interference with normal conduct of business.

3.6 Waste Management Systems

definition

- 3.6.1** Waste Management Systems include sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

development on or in vicinity

Schedule “A” identifies the location of all known active and former waste disposal sites (as of the date of approval of this Plan). Any new development, or change of use, on or within 500 metres of the perimeter of an active or closed waste disposal site (located in this or an adjoining Municipality) will be subject to consultation with the Province before any Zoning By-law, Zoning By-law amendment, official plan amendment or other *Ontario Heritage Act* approval is adopted or granted for such lands. A study may be required to be undertaken by a qualified professional that evaluates the presence and effect of environmental contaminants including but not necessarily limited to methane gas and leachate. The study will address the feasibility of mitigation measures if required. If it is found that a potential adverse effect or potential risk to health and safety does exist, development may be restricted and/or refused. Where development or change of use is proposed on a waste site, no Zoning By-law, Zoning By-law amendment, official plan amendment or other *Ontario Heritage Act* approval will be adopted or granted until approval from the Province is obtained in accordance with Section 46 of the Environmental Protection Act, if not more than 25 years has lapsed since the land ceased to be so used for waste disposal purposes.

3.7 Sewage Lagoons

buffer

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

3.8 Public Utilities

underground lines required

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

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

multiple uses of rights-of-way

- 3.8.3** The Municipality will encourage the multiple use of electric power utility rights-of-way to accommodate drainage or service corridors, parking areas, parkland, agricultural operations and natural gas, oil and petrochemical pipelines, in accordance with the land use policies and designations of this Plan.
- 3.8.4** Natural gas, oil and petrochemical commercial delivery pipelines will be installed within existing rights-of-way wherever feasible and practical.
- 3.8.5** Wherever possible, 'easements' should be used to accommodate new utility corridors rather than creating new separate and distinct lots.

3.9 Telecommunication Towers and Protocol

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

public consultation

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

4.0 Alternative and Renewable Energy Systems

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

The Municipality is committed to the wise and efficient use of energy and the establishment of green energy sources that will protect the interests of future generations of citizens, such as alternative energy systems and renewable energy systems. The benefits that may be realized from using such systems should be balanced with a consideration for their compatibility with the natural environment and surrounding land uses.

4.1 General

- a) Energy that is produced by a renewable energy system will generally be preferred over conventional forms of energy production, subject to potential negative impacts being mitigated.
- b) The Municipality will encourage proposals for alternative energy systems and renewable energy systems at appropriate scales in accordance with provincial and federal requirements, which are compatible with surrounding existing and proposed land uses and the environment
- c) Green energy systems and/or renewable energy systems will be subject to studies to demonstrate, to the satisfaction of the Municipality, how potential adverse effects, on existing or proposed development with regard to the natural heritage system, noise, dust, vibration, plume, air quality, cultural heritage resources, views and vistas, shadows, land use compatibility, public health and safety, risk, and soils stability and water quality and quantity will be mitigated.
- d) All alternative and renewable energy projects shall only be permitted by a rezoning approved by Council. Projects approved by a rezoning shall also be subject to Site Plan Control.
- e) Provincial policy promotes alternative and renewable energy systems; there are also challenges to increase alternative and renewable energy reliability and cost-effectiveness.
- f) Wind Energy Conversion systems, commonly known as Wind Turbines, convert wind energy into electricity that can supply the electrical grid or be stored in batteries for use on site. Wind Turbines can range in size from small units with rotor diameters as small as 1m producing a few watts of electricity for use on site to units supplying all of a residence's

or business's electricity needs or to commercial units with tower heights and rotor diameters in excess of 100m supplying electricity to hundreds of homes.

land use compatibility

- g) Alternative and renewable energy projects present unique land use compatibility concerns. Due to their prominence, alternative and renewable energy projects have the potential to significantly impact, even define, the character of a community. Site locations and site layouts must recognize the primary nature of existing land uses within the municipality and must limit impacts to agricultural uses, sensitive neighbouring uses, visual landscape, the natural environment and potential uses on neighbouring properties.
- h) In order to preserve and maintain residential land supply and to prevent land use conflicts and development constraints, alternative and renewable energy projects are strongly discouraged from locating in designated residential areas.

potential local benefits

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

alternative and renewable energy – community responsibilities

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

- m) In addition, developers should be required to undertake all infrastructure improvements that are necessitated in connection with a project.

4.1.2 Implementation

consultation

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

meteorological towers

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

4.1.3 Individual Project Assessment

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

alternative and renewable energy project consultation considerations

- b) In assessing an alternative energy projects, proponents and the Municipality shall take into consideration:
 - i. Potential noise from turbines and also humming of any substations or power lines.
 - ii. Impacts to agriculture including drainage, soil conservation and productivity, number of acres taken out of production, and field fragmentation.
 - iii. Visual impact including lighting, colouring, blade glint, shadow flicker, overshadowing and impacts on natural landscapes and general visual amenity.
 - iv. Location of utility lines and any associated utility buildings, substations, etc., and landscaping and screening of same.
 - v. Impacts to the natural environment including but not limited to migration routes, significant natural areas, new waterway crossings, geotechnical concerns.
 - vi. Whether utilities should be buried or overhead, and impacts on watercourse crossings of utility lines and access roads.
 - vii. Impacts to cultural and built heritage, archaeological resources and recreational areas.

- viii. Impacts to local infrastructure through delivery, construction and operation of the project.
- ix. Site safety including falling ice, tower collapse, fencing, guy wires markings and climbing prevention.
- x. Aircraft safety and impacts to private air strips.
- xi. Potential electromagnetic interference to communications infrastructure.
- xii. Other issues that may become apparent with maturation of the wind energy industry.

required submissions

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

- a) Copies of any documentation or background studies associated with any Environmental Assessment or Environmental Screening process.
- b) Such background reports as may be needed to determine potential impacts and possible mitigation measures associated with any of the concerns listed in Section 4.1.3, including but not limited to environmental evaluations, geotechnical studies, visual impact assessments, environmental impact studies, archaeological assessments, environmental screening report, and noise studies.
- c) An environmental management plan including, in particular, site decommissioning and rehabilitation plans, and such securities and the Municipality requires from alternative and renewable energy operators for this purpose.
- d) An emergency response plan, construction plan, icing protocol, dispute resolution protocol, and roads agreement; all to the Municipality's satisfaction.
- e) Specifications of products and materials (i.e. make, model, rated output, hub height, rotor diameter, foundation details, noise emission certification, etc.) and ancillary infrastructure.
- f) Details regarding electric infrastructure including location of utility lines within property, extent of upgrades and/or confirmation of grid capacity.
- g) Site layout including tower placement, pads for erecting tower, servicing, ground level lighting, fencing, landscaping, storage, access roads, easements, site grading and details regarding same.
- h) Proposed duration of project.
- i) The extent of lands where the developer has land options.
- j) Locations, setbacks, use and heights of all structures, private airstrips and communication and other towers within 500m of the project site.

- k) Location of natural heritage features including woodlots, surface water, wetlands, and migratory routes.
- l) For turbines with a total height exceeding 45m, Transport Canada's requirements for lighting, colour and marking prior to turbine erection.
- m) Conservation Authority approval of any culverts, structures, utilities, placing or removal of fill within areas designated as "Hazard and Environmental Protection".

aesthetic guidelines

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

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

4.2 District Energy

- a) The Municipality supports district energy systems as an efficient method of supplying heating, cooling and electricity to buildings.

4.3 Wind Energy

- a) Large scale wind turbines shall be directed to lands within Prime Agricultural and Rural Area designations in order to reduce the potential for land use conflicts in Settlement Areas.
- b) Small scale wind turbines may be permitted in all land use designations.
- c) Wind turbines of all sized will be encouraged subject to confirmation that the supporting structure is capable of bearing the weight.

4.4 Solar Energy

- a) Ground mounted solar renewable energy facilities of up to 10 kilowatts are permitted in prime agricultural areas as an on-farm diversified use. Facilities in excess of 10 kilowatts shall not be located in prime agricultural areas.
- b) Small scale solar panels that provide electricity for use on the same property will be considered accessory uses.
- c) Roof mounted solar generating facilities of all sizes will be encouraged subject to confirmation that the supporting structure is capable of bearing the weight.

PART D: COMMUNITY DEVELOPMENT

1.0 Cultural Heritage

Cultural Heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes. More specifically:

- a) Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*.
- b) Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.
- c) Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

Significant built heritage and cultural heritage landscapes are those that have been determined to have cultural heritage value or interest, through any of the following means:

- a) Designation under Parts IV or V of the *Ontario Heritage Act*; or
- b) Protected through official plan, zoning by-law, or other land use planning mechanisms.

Cultural Heritage resources provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the Municipality. These cultural heritage resources, both individually and collectively, contribute to the identity of the Municipality. They also assist in instilling civic pride, benefiting the local economy by attracting visitors, and favourably influencing the decisions of those contemplating new investment or residence in the Municipality.

Cultural Heritage resources may be threatened by neglect, obsolescence, redevelopment, and the lack of financial means necessary for protection or rehabilitation. The policies of this Plan, in conjunction with the provisions of the *Ontario Heritage Act*, provide the framework for the protection and enhancement of the Municipality's heritage resources.

The Municipality recognizes the importance of its cultural heritage resources. Cultural heritage resources include archaeological resources; buildings and

structural remains of historical, architectural and contextual value; and rural, village and urban districts or cultural landscapes of historic interest.

1.1 Policies

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

conservation of built heritage resources and cultural heritage landscapes

- 1.1.1** The Municipality will seek to conserve cultural heritage landscapes and built heritage resources when making development and infrastructure decisions which may affect those resources. As well, the *Ontario Heritage Act* may be utilized to conserve significant cultural heritage resources through the designation of individual properties or areas, and the designation of a group or groups of properties as Heritage Conservation Districts. The Municipality will engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.
- 1.1.2** Brooke-Alvinston will prepare and maintain comprehensive inventories of significant heritage resources, including significant built heritage and cultural heritage landscapes, as a basic tool for identifying and conserving these resources.
- 1.1.3** Brooke-Alvinston will designate properties that meet criteria for determining Cultural Heritage Value or Interest (O. Reg 9/06) under the *Ontario Heritage Act*. While it is the intent of the municipality to work collaboratively with landowners in conserving properties of Cultural Heritage Value or Interest, there may be instances in which landowners may not consent to the designation of their respective property. Council will act in the public interest to conserve and designate properties of Cultural Heritage Value or Interest despite objections by their owners.
- 1.1.4** If Brooke-Alvinston intends to designate a property to be of cultural heritage value or interest, the Clerk shall issue notice of intention to designate in accordance with requirements and limitations established under the *Ontario Heritage Act*.
- 1.1.5** Any Planning Application related to lands designated or within 50 metres of lands designated under the *Ontario Heritage Act* shall be accompanied by a Heritage Impact Assessment. The Heritage Impact Assessment shall be prepared by a qualified heritage professional in accordance with technical guidance included in the Ontario Heritage Toolkit.
- 1.1.6** If a property has not been designated under the *Ontario Heritage Act* but has been included in the Municipal Register, the owner of the property shall not demolish or remove a building or structure on the property or permit the

demolition or removal of the building or structure unless the owner gives Council at least 60 days' notice in writing of the Owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. Notice to demolish a building or structure on the Municipal Register shall be accompanied by such plans and information that the Council may require to make a decision on the matter, and may include but not be limited to:

- a) primary and secondary research, visual inspection, and evaluation against prescribed criteria for determining Cultural Heritage Value or Interest prepared by a qualified heritage consultant (Ontario Regulation 9/06), and
- b) architectural plans pertaining to the replacement building or structure.

If following a request for demolition, a property has been found to meet prescribed criteria for determining Cultural Heritage Value or Interest (Ontario Regulation 9/06), the Council of Brooke-Alvinston may issue notice of intention to designate the property, thereby, causing the request for demolition to be void.

- 1.1.7** An evaluation against prescribed criteria for determining Cultural Heritage Value or Interest prepared by a qualified heritage consultant (Ontario Regulation 9/06), shall accompany a Planning Application that pertains to a property listed on the Municipal Register. If the property has been found to meet prescribed criteria, the proponent shall provide a Heritage Impact Assessment, prepared by a qualified heritage professional, in support of the Planning Application in accordance with technical guidance included in the Ontario Heritage Toolkit.
- 1.1.8** A Conservation Plan may be required in accordance with recommendations contained within a Heritage Impact Assessment, to be provided as a condition of approval of a Planning Application detailing how a cultural heritage resources can be conserved. The Conservation Plan shall be prepared by a qualified heritage professional in accordance with technical guidance included in the Ontario Heritage Toolkit. The recommendations of the Conservation Plan should include descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures. Brooke-Alvinston may enter into a development agreement to ensure the implementation of recommendations included in a Conservation Plan.

incorporation of heritage structures

- 1.1.9** The Municipality will encourage proponents to incorporate heritage structures in new development or redevelopment. Where feasible, proponents will be encouraged to incorporate design elements in new development that link developments with existing heritage structures.
- 1.1.10** In reviewing proposals for the construction, demolition, or removal of buildings and structures or the alteration of existing buildings, the Municipality shall be guided by the following general principles where there is potential to impact any cultural heritage resources:

- a) The Municipality shall encourage the adaptive reuse of heritage properties. Any permitted redevelopment shall ensure, where possible, that the original building fabric and architectural features are retained, repaired, or restored rather than replaced.
- b) New additions and features should be no higher than the existing building and wherever possible be placed to the rear of the building or set back substantially from the principal façade.
- c) New construction and/or infilling should be compatible with surrounding buildings and streetscapes by being of the same height, width and orientation as adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape.

1.1.11 Brooke-Alvinston may develop financial incentive programs and other efforts that promote private investment in preserving physical cultural heritage (archaeological, built heritage, and cultural heritage landscapes) resources and in improving cultural nodes.

archaeological potential

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

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

1.1.13 Consistent with the PPS, development, site alteration, including construction of infrastructure and public service facilities on lands containing archaeological resources or areas of archaeological potential, including marine archaeological sites, are permitted only if the significant archaeological resources have been conserved in a manner that ensures their cultural heritage value or interest is retained. This shall be achieved by the implementation of recommendations set out in an archaeological assessment. To address development impacts on an archaeological site with a level of cultural heritage value or interest that has been determined to require mitigation, there are two approaches for mitigation of development impacts:

- a) avoidance and protection; or,
- b) excavation.

Avoidance and protection preserves archaeological sites intact. It is the preferred option for the mitigation of impacts to archaeological sites. Avoidance and protection are most viable when the cultural heritage value or interest of the archaeological site is determined early in the planning stages of the development, when plans are most flexible.

- 1.1.14** Archaeological consultants must be licensed by the Ministry of Tourism, Culture and Sport, under the *Ontario Heritage Act*, and follow Technical Guidelines issued by the Ministry for completing archaeological assessments. Completed as part of the land use planning and development or environmental assessment approval process, an archaeological assessment must be accepted by the Ministry of Tourism, Culture and Sport.
- 1.1.15** Development requiring an Official Plan and/or Zoning By-law Amendment, Subdivision/Condominium approval or Site Plan Approval, and all new/improved infrastructure and public service facilities, if located on lands with Archaeological Potential, per Ministry of Tourism, Culture and Sport Screening Criteria for Evaluating Archaeological Potential, shall be required to complete an Archaeological Assessment prior to such development.
- 1.1.16** An archaeological assessment, may be required as part of a Planning Application. Applicants are encouraged to prepare archaeological assessments early in the planning stages of the development, when plans are most flexible, particularly as such studies may deem it appropriate to conserve through avoidance and protection measures.

2.0 Amenity and Design

buffering and screening

- 2.1** In order to minimize the negative effects of conflicting land uses and forms of development, buffering and/or screening will be provided in all areas and for all uses wherever such conflicts may be created.
- 2.2** The Municipality's Zoning By-law, site plan agreements and other special agreements will control and/or guide new development and will ensure that adequate buffering and/or screening is provided wherever required.

noxious uses

- 2.3** All land uses and transportation facilities that may be noxious due to noise, visual characteristics, vibration, dust or odours will be physically separated from Residential Areas wherever possible. The Municipality will be satisfied that prior to approving any development that may be incompatible with adjacent uses appropriate steps have been or will be taken to reduce any land use conflicts to a tolerable level, or to eliminate them entirely.
- 2.4** Buffering and/or screening will be provided by the developer where a new Residential area is developed adjacent to any other land use designation except for Major Open Space Areas and Natural Heritage System.
- 2.5** The provision of buffering and/or screening may include any combination of the following:
- a) The separation of uses and/or buildings by means of greater-than-normal setbacks;
 - b) Restrictions on outside storage of goods, materials or equipment;
 - c) Restrictions on parking facilities;
 - d) Restrictions on loading facilities in industrial or commercial areas;
 - e) Restrictions on the location and type of outdoor lighting equipment, including the direction of illumination;
 - f) The installation of fences, walls and earth berms to create a visual barrier; and
 - g) Vegetative screens and other forms of landscaping.

high density residential

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

noise guidelines

- 2.7** The appropriate Provincial noise guideline standards will be maintained for all new development within or adjacent to Residential Areas.
- 2.8** Council may require that applications for residential uses adjacent to Controlled Access Provincial Highways and Major facilities, as defined in the Provincial Policy Statement, be supported by a Noise and Vibration Impact Study, prepared in accordance with normal accepted standards, which will include the following:
- a) A description of the proposed development, including plans;
 - b) Physical site characteristics, including elevations and contours;
 - c) A statement of noise measurement techniques and methodologies used;
 - d) The results of noise measurement and prediction studies for the site, during both daytime and night-time;
 - e) The extent to which noise levels throughout the site vary from accepted noise level standards, as set by the Province from time to time;
 - f) Noise attenuation measures to be installed to reduce excess noise levels; and
 - g) Noise level prediction results anticipated after attenuation measures are installed, for both daytime and night-time.
- 2.9** No new residential development adjacent to controlled Access Provincial Highways and Major facilities, as defined in the Provincial Policy Statement, will be permitted unless predicted post-development noise levels are at or below the levels acceptable to the Province. However the Municipality may approve development and require that notice be given to prospective purchasers and tenants where predicted noise levels exceed maximum acceptable Provincial levels.

Class 4 Designations for new residential uses

- 2.10** Notwithstanding Policy 2.3, and consistent with Policies 2.7 and 2.9, where adequate physical separation of Residential uses and areas is not possible, consideration may be given to approving a Class 4 designation for new residential land uses, as provided for in MECP Environmental Noise Guideline NPC-300. Further reference shall be made to Part C Section 3.4 of this Plan where additional policies are provided to guide relevant Class 4 designations.

3.0 Urban Design

high quality design

- 3.1** The following policies shall apply, as appropriate, to all development requiring a *Ontario Heritage Act* approval within the Settlement Areas. Additional policies for certain areas of the Municipality are contained within the appropriate sections of this Plan containing the land use designations.

safety

- 3.2** Personal safety for individuals shall be provided in new development through the provision of:
- a) Appropriate lighting, visibility and opportunities for public surveillance for parking lots, walkways, parking garages and open space area;
 - b) Unobstructed views into parks and open spaces from adjoining streets;
 - c) Design and siting of new buildings shall provide opportunities for visual overlook and ease of public access to adjacent streets, parks and open space;
 - d) Views into and out of publicly accessible buildings shall be encouraged; and,
 - e) Landscaping that maintains views for safety and surveillance.

barrier-free access

- 3.3**
- a) Barrier-free access for persons using walking or mobility aids shall be provided in all public and publicly accessible buildings and facilities and along major pedestrian routes, in compliance with the *Accessibility for Ontarians with Disabilities Act* (AODA) and with reference to the Integrated Accessibility Standards Regulation (IASR). Such barrier-free access features may include level surfaces, ramps and curb cuts, railings, automatic door openers and rest areas.
 - b) Barrier-free features shall be integrated with the functional and design components of the site and/or buildings

streetscapes

- 3.4**
- a) An integrated design and treatment of streetscape features shall be promoted throughout the settlement areas in the Municipality. Specialized streetscape designs and treatments may be adopted for particular areas of the Municipality.

- b) Streetscape features and sustainable design elements located within public rights-of-way, such as lighting fixtures, directional and street signs, parking meters, transit shelters, above ground infrastructure, signage and street furniture shall be complementary in their design and located in an integrated manner, so as to avoid visual clutter.
- c) Planned road reconstruction shall include improvements to the existing streetscape consistent with the policies of this Plan, any Council-adopted urban design guidelines, downtown revitalization plans and other similarly adopted Council guidelines.

building design

3.5

- a) The design of new buildings should achieve a complementary design relationship to existing buildings, while accommodating a diversity of architectural styles, building materials and colours, energy conservation techniques and innovative built forms.
- b) The design of all buildings shall implement pedestrian safety and should provide direct street access.
- c) The Municipality will encourage the recessed placement of garages and discourage the protrusion of garages on residential buildings into the front yard, beyond the main front building wall. Other options for garage placement which deemphasize their appearance on the street are encouraged. In addition, the width of private driveways accessing private garages shall be controlled to ensure that there is an appropriate relationship between pavement and landscaping in the yards where the driveway is located. Such a relationship shall also take into account the desire to maximize the infiltration of rainwater. These policies shall be implemented through the Zoning By-law.
- d) Building entrances shall be located to be visible from the adjoining street(s) and, where possible, directly linked to the sidewalks through appropriately articulated walkways.
- e) Building functions that do not directly serve the public, such as loading areas, shall not face a public street and should be located away from noise sensitive land uses, such as residential areas, and buffered, as necessary.
- f) Buildings should employ devices such as awnings, canopies, building cantilevers/overhangs to generally improve the level of pedestrian comfort. Sheltered building entrances should be provided at primary building entrances to multi-storey residential, public, recreational, industrial, office and commercial buildings, where necessary.

- g) When a development is located adjacent to existing, or planned residential areas, sufficient building setbacks should be provided to minimize potential height and massing impacts such as overlook and shadowing.
- h) Buildings should be massed to be architecturally articulated to provide visual variety and interest. Generally, building articulation features such as canopies, cornice lines and varying façade materials should be used to reinforce a pedestrian scale, and generous front porches are encouraged for residential built forms.
- i) Building massing should reinforce a continuous street wall frontage located close to the front property line to recognize pedestrian scale and provide an appropriate street wall height at the street line.
- j) Buildings on corner lots shall be located in close proximity to the street rights of way. Corner lots should emphasize their important community presence by employing appropriate strategies for major landscape treatments as well as building massing and articulation that emphasize the corner condition.
- k) Any permitted redevelopment shall ensure, where possible, that the original building fabric and architectural features are retained, repaired, or restored rather than replaced. New construction and/or infilling should be compatible with surrounding buildings and streetscapes by being generally of the same height, width and orientation as adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape;
- l) Exterior signs should be uniform in appearance, in terms of location, size, shape, materials and colours to encourage design quality.

site design

3.6

- a) Site design incorporates the built form of structures, landscaping, services and the layout of all amenities. Site design shall consider the relationships between the public realm, adjacent land uses, on-site operations and visual aesthetics, in order to promote an environment that is pleasant and attractive to the community.
- b) Site design shall consider how to maximize the compatibility between adjacent land uses through appropriate site layout, building locations and landscape treatments.
- c) The design of sites adjacent to parks, woodlots and watercourses shall be sensitive to these features. In these instances, appropriate setbacks shall be maintained between buildings and sensitive natural areas, while on-site landscaping shall be well integrated with natural areas.

- d) Continuous, highly visible, well-articulated and landscaped connections between building(s) and the street should be provided to establish appropriate pedestrian linkages between the sidewalk and building entrances.
- e) Along collector and arterial roads within the Settlement Areas, reverse frontage residential lots shall be minimized through techniques such as window streets and where reverse frontage lots are provided, shall incorporate a substantial landscape buffer to improve the visual amenity of such areas.
- f) On large sites, pedestrian linkages between uses and adjacent sites should be provided.

landscaping

3.7

- a) Landscaping is a major contributor to a vibrant streetscape. A high quality of landscape design shall be required to enhance the visual aesthetics of development and to enhance the site and land use compatibility.
- b) Landscaping within private lands shall be complementary to streetscape design and materials within the public realm.
- c) Where appropriate, planted landscaping strips and fencing shall be used to buffer development from adjacent uses and mitigate on-site operational activities such as loading and waste storage facilities.
- d) Landscape materials shall be selected for their aesthetic, ecological, disease-tolerance and maintenance characteristics.
- e) Hard and soft landscaping shall be used for the spaces between the street line and buildings to enhance the streetscape, as well as provide a buffering function when on-site parking is placed close to the street or close to adjacent land uses and properties.
- f) Vehicular entrances often present opportunities for landscaping that highlight entry points into the site. Therefore, appropriate landscaping shall be provided on either side of driveway entrances, particularly at the main entrances. The use of berms along public street frontages shall generally be avoided due to their tendency to isolate buildings from the street.
- g) The presence of significant trees on a development site shall be determined through a tree survey and, where appropriate, preserved, maintained and integrated into the new landscape design of the site.

parking**3.8**

- a) The location of parking is a major determinant for the layout of a development that is pedestrian friendly and accessible. Where appropriate, the Municipality should require the provision of surface parking areas in locations not visible from the public street, such as in rear yards and/or well-landscaped side yards.
- b) Where surface parking areas are situated adjacent to a public street in the front yard, their layout should be subdivided into smaller areas to avoid large monotonous asphalt surfaces. In these cases, a certain percentage of the frontage should be reserved for landscaping between the buildings and the street line. The parking areas may be partially buffered and/or screened from the street using landscaping, tree planting, pedestrian facilities, lighting, fencing and/or other landscape elements in order to enhance the visual aesthetics of, and pedestrian activity within, such parking areas.
- c) Clearly defined pedestrian accesses between parking and adjacent buildings and entrances should be provided with well-delineated walkways.
- d) Surface parking lots shall be linked to the streets and other public areas with well-delineated walkways.

access and circulation**3.9**

- a) To enhance the vibrancy of the streets, joint vehicular access points into sites shall be considered on adjacent sites.
- b) To ensure pedestrian safety and promote their priority over vehicular traffic, major pedestrian routes on the site should be identified and delineated from the driving surfaces. Pedestrian walkways should be made continuous across driving aisles as well as across driveway entrances at the street. The use of soft landscaping is also encouraged along major pedestrian routes.

commercial and industrial areas**3.10**

- a) It is the intent of this Plan to improve the vibrancy, aesthetics and connectivity of all commercial and employment areas in the Municipality. The approval of any development pursuant to the *Ontario Heritage Act* shall address the following:
 - i. Improvements to the aesthetics and function of the public realm (roads, parks, and sidewalks) will occur as a condition of development, or will be made possible as a result of the development, as appropriate;

- ii. The siting, scale and massing of buildings contributes to a safe and attractive pedestrian environment and streetscape;
 - iii. Parking facilities are designed to not dominate the streetscape; and,
 - iv. Landscaping is used to buffer adjacent uses and improve the overall aesthetics of the development.
- b) All new development requiring approval under the *Ontario Heritage Act* shall conform to the urban design policies of this Official Plan as appropriate.

design for new neighbourhoods

3.11

- a) The following design principles apply to the development of new neighbourhoods through Plans of Subdivision or Condominium within the Municipality's Settlement Areas, in accordance with the policies of this Official Plan:
- i. Residential development shall include a combination of housing types, with a range of densities that implement the housing objectives and policies of this Plan;
 - ii. High-density housing shall be located on Arterial and Collector Roads to facilitate the establishment of multi-modal facilities and a pedestrian-oriented environment;
 - iii. New development areas shall be integrated with existing neighbourhoods;
 - iv. New subdivision streets should generally align in a grid pattern to create appropriately sized development blocks and to promote active transportation permeability and connectivity;
 - v. New blocks shall be designed with lengths that are generally less than 250 metres to support active transportation;
 - vi. The development of reverse frontage residential lots shall be minimized and where reverse frontage lots are provided, shall incorporate a substantial landscape buffer to improve the visual amenity of such areas;
 - vii. Open space and parks shall integrate with adjacent development areas and provide a range of active and passive recreational opportunities;

- viii. New buildings shall be designed and oriented to the street and to street corners to encourage a pedestrian-oriented streetscape; and,
- ix. Where appropriate, employment lands shall be buffered from residential development by a variety of measures such as roads, landscaping, natural heritage areas, and parkland and community facilities.

4.0 Energy Conservation

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

renewable energy

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

For policies addressing Climate Change, reference should be made to Sections addressing:

- a) Stormwater Management Policies (Part C: Section 3)
- b) Green Energy Policies (Part C: Section 4)
- c) Housing Density Policies (Part B: Section 2)
- d) Parking and Bicycle Policies (Part C: Section 1)
- e) Natural Heritage Policies (Part B: Section 8)

subdivision design

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

Subdivisions with predominantly east/west road orientations are encouraged in order to allow solar heating through south-facing windows in winter. Such a layout also permits planting deciduous trees to the south of houses and evergreens to the north to provide shade in summer and a wind break in winter.

4.1.3 electric vehicle charging station

- 4.1.3.1** The Municipality supports provision of electric vehicle charging stations in publicly and privately-owned parking lots.
- 4.1.3.2** The Municipality may establish, through the Comprehensive Zoning By-law, appropriate provisions related to electric vehicle charging stations.

5.0 Community Improvement Policies

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

The entire Municipality will be designated as a Community Improvement Area. Within the Municipality individual Community Improvement Project (CIP) Areas may be identified and prioritized. Criteria for selecting and designating these project areas are outlined.

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

5.1 Objectives

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

general objectives

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

- a) to contribute to an enhanced sense of community in the Municipality;
- b) to upgrade and improve municipal infrastructure where it is deficient;
- c) to enhance social and recreational facilities;
- d) to aid in fulfilling the potential of commercial districts in the Municipality;
- e) to enhance the economic potential of the Municipality in order to foster employment generating activity;
- f) Identify and promote opportunities for intensification and redevelopment within Brownfield sites;
- g) Promote energy efficient standards for all uses within a Community Improvement Plan;
- h) To provide sufficient lands for employment uses to provide opportunities and options for a variety of employment;
- i) To protect and preserve employment areas for current and future uses;

- j) To attract, retain, and facilitate cultural activity and to preserve physical culture and heritage assets; and,
- k) To encourage Infilling on vacant lots, on 'Brownfield's', or on underutilized land.

objectives for residential areas

5.1.1 In residential areas the Municipality intends:

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

objectives for commercial districts

5.1.2 In commercial areas the Municipality intends:

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

mixed commercial/industrial areas

5.1.3 In industrial and mixed/commercial industrial areas the Municipality intends:

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

objectives for brownfield redevelopment

5.1.4

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

5.2 Community Improvement Criteria

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

general criteria

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

- a) areas where land use conflicts exist;
- b) areas which require upgrading or replacement of road surfaces, sewer or water systems, storm water management systems, streetlighting or sidewalks;
- c) areas where social or recreational facilities are deficient; and,
- d) areas where environmental or natural heritage preservation and conservation are deficient.

criteria for residential project areas

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

- a) areas of older housing stock in need of renovation or redevelopment;
- b) areas where special housing needs can be provided or accommodated; and,

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

criteria for commercial districts

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

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

criteria for industrial areas

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

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

5.3 Potential Public Land Acquisition

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

- a) lands for neighbourhood, community parks, or environmental protection areas;
- b) lands needed for purposes of facilitating commercial land assembly, or to provide links and connections to public open space;

- c) residential lots in an industrial designation to facilitate industrial land assembly; and,
- d) Actual acquisition will depend on financial resources, and whether circumstances warrant acquisition when it is specifically considered. This policy does not represent a commitment to acquire the lands so mentioned, nor does it limit the ability of the Municipality to acquire lands in other locations for community improvement or other purposes.

5.4 Implementation

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

5.4.1 Designation of Community Improvement Project Area

- a) Pursuant to the *Ontario Heritage Act*, the Municipality may designate by By-law the whole or any part of an area delineated as a potential Community Improvement Area as a Community Improvement Project Area for the purpose of preparing a Community Improvement Plan.
- b) The Municipality may acquire and hold land within the Community Improvement Project Area and clear, grade, or otherwise prepare the land for community improvement.
- c) Once a Community Improvement Plan has been prepared, the Municipality may construct, repair, rehabilitate or improve buildings on land acquired or held by it in the Community Improvement Project Area in conformity with the Community Improvement Plan, and sell, lease or otherwise dispose of land acquired or held by the Municipality in the Community Improvement Project Area to any persons or governmental agency for use in conformity with the Community Improvement Plan.
- d) For the purpose of carrying out the Community Improvement Plan, the Municipality may make grants or loans to property owners within the Community Improvement Project Area to pay for the whole or part of the cost of rehabilitating their properties in conformity with the Community Improvement Plan.

5.4.2 Monitoring

The Municipality will continue to monitor the effectiveness of its existing Community Improvement Plan initiatives and may see fit to prepare a progress report where necessary.

5.4.3 Joint Studies and Development

Pursuant to the *Ontario Heritage Act*, the Municipality may enter into agreements with any governmental authority or agency, or with one or more other municipalities for the carrying out of studies and the preparation and

implementation of plans and programmes for the development or improvement of the Municipality. Any agreement other than an agreement with one or more municipalities will be approved by the Minister of Municipal Affairs.

5.4.4 Property Standards By-law

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

- a) for prescribing standards for maintenance and occupancy of property within the Municipality and for prohibiting the occupancy or use of such property that does not conform with the standards prescribed.
- b) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.
- c) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to the property standards By-law.
- d) The Municipality may, by By-law, provide for the making of grants or loans to property owners to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands required to bring a property into conformity with the property standards By-law.

5.4.5 Demolition Control Areas

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

5.4.6 Cultural and Natural Heritage

In addition to the other measures described in this Plan, the Municipality may make use of programs under the *Ontario Heritage Act* to support the preservation of historic buildings. The Municipality shall ensure that Community Improvement Plans and programs will encourage the preservation, rehabilitation, renewal, and reuse of heritage resources.

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

5.4.7 Community Benefits Charge

In order to provide some flexibility in the provision of the Zoning By-law which implements this Official Plan, and thus help implement the policies of this section, the Municipality may pass a By-law pursuant to the *Ontario Heritage Act*, to address Community Benefits requirements for new development.

5.4.8 Co-operation with Community Groups

Local service clubs and organizations can be of great assistance in providing or assisting to provide needed or desired community facilities. Council will actively co-operate with groups seeking to provide such facilities, and will ensure that appropriate recognition is provided.

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

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

The Municipality may facilitate the creation of local business associations. The County will support the Municipality in the designation of Business and Community Improvement Areas and in the formulation and implementation of Community Improvement Plans.

The CIP must be led by local stakeholders and have the formal commitment of the Municipality's Council and all major stakeholders such as the local service clubs. Representation from local service clubs, a senior municipal staff person, and all other stakeholders is required in all consultations and committees. A municipal staff person may serve as CIP coordinator. Organizers must assemble all relevant policies and regulations affecting the commercial area. No further steps of CIP development shall commence until all components of the organizational structure are established.

5.4.9 Use of Public Funding Programmes

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

5.4.10 The Municipality must conduct an initial community assessment of strengths, weaknesses, opportunities, and threats and continually re-assess by survey. The CIP must develop a brand by identifying what makes the CIA or broader community unique or how it can differentiate itself from other communities or regions. The brand must work with the regional identity.

5.4.11 The CIP must define its end goal. To be a destination community, the CIP must have capacity to provide primary activities in the CIA or broader community in proportion to how far visitors are expected to travel. Primary activities must be

things visitors cannot get closer to home. Alternatively, a community may plan to be a support community, capturing traffic en route to another destination.

- 5.4.12** The CIP must develop one- and five-year action plans towards its goal, identifying problems and opportunities to be tackled one at a time, in order. Action plans must be reviewed and updated regularly.
- 5.4.13** The CIP must develop marketing plans and/or community design standards for improvements within the CIA. These must implement the branding and action plans and support common themes, key messages, and even color schemes. Design themes could be marketing or physical improvement oriented.
- 5.4.14** Municipal investments in the CIA must conform to the brand, action plans, and community design standards established by the CIP and may include one or more of:
- a) capital expenditures to core visitor attractions within the CIA and broader community;
 - b) incentive programs/grants for storefront signage, community gateway signage, interpretive plaques, kiosks, façade improvements, awnings, street furniture, decorations, lighting, seasonal decorations, and anything else consistent with branding and action plans; and,
 - c) advertising, promotional materials/ packages, and mapping of businesses, core attractions, and non-gated public attractions.
- 5.4.15** Site plan approvals shall require that new development be consistent with the CIP's branding, action plan, and community design standards.

6.0 Signs

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

New signage shall conform to the urban design policies regarding its appearance and location in Part D Section 3 of this Plan.

7.0 Property Maintenance

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

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

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

8.0 Home Businesses

Home businesses, which includes home occupations, home industries and bed & breakfast establishments, have and will continue to emerge as alternate employment sources as a result of changing technological, demographic and economic conditions. They are recognized as a valuable component of the economy provided that environmental and natural resources, including agricultural lands, are not threatened. The residential and/or agricultural character and function of the lot and surrounding land use activities must not be impaired by activities related to any home business.

Home businesses will be encouraged to promote improved employment opportunities; reduced employer/employee costs related to transportation, office costs, clothing and child care expenses; more efficiencies of land, housing and transportation resources; incubators for small businesses which are significant creators of new jobs; enhancement of tourism; and improved access to services.

Farm based home businesses tend to be more industrial in nature and are often related to farm operations. They are important sources of supplemental income for farmers.

The Municipality encourages home businesses in urban and Agricultural areas. The Municipality will incorporate provisions into the comprehensive Zoning By-Law to permit home businesses and will distinguish between rural and urban home businesses with respect to definitions, permitted zones and performance standards. Performance standards will address issues related to maximum allowable floor space, control of emissions including noise, outside storage, signage and parking.

This Plan recognizes that the majority of economic growth and job creation is likely to come through expansion of existing business and industry, local entrepreneurialism, and local innovation.

- 8.1** Home-based work is an important component of the local economy that shall be encouraged as a source of local entrepreneurialism and business incubation. Brooke-Alvinston will ensure that land use policies and regulations including this Official Plan and Zoning By-laws will enable residents to operate appropriate, subsidiary businesses from their homes and farms within reasonable guidelines. Home occupations must not unduly impact the character and amenity of residential areas and uses. Zoning provisions will be established to mitigate potential impacts to adjacent uses.
- 8.2** Brooke-Alvinston supports the creation of local business associations. Brooke-Alvinston may designate Business and Community Improvement Areas and implement one or more Community Improvement Plans to support entrepreneurship and innovation.

- 8.3** Brooke-Alvinston will develop strategies for assisting home occupations that outgrow residential neighbourhoods to find appropriate locations for their expanded activities.
- 8.4** Brooke-Alvinston will continue to support the improvement of the economic base of Agricultural Areas, including on-farm diversified uses and agriculture-related uses through the implementation of local policies and Zoning By-laws that grow the agricultural sector, with the goal being to protect and improve economic and employment spin-off benefits. Such local policies and Zoning By-laws will provide for:
- a) forms of agriculture that provides more employment on a per acre basis;
 - b) identification and exploitation of non-traditional, non-local, and niche markets;
 - c) on-farm and local processing and/or retail of agricultural products and by-products;
 - d) promotion of unique local foods;
 - e) stronger linkages between local food producers and major local food distributors and consumers within settlements, including restaurants;
 - f) agri-tourism; and,
 - g) on-farm economic diversification.

Brooke-Alvinston supports the diversification of local agricultural crops and value-Add processing. Brooke-Alvinston supports policies that strengthen linkages between local food producers, distributors, and major consumers like restaurants and institutions.

- 8.5** Brooke-Alvinston will develop strategies for assisting farm-based secondary uses that outgrow agricultural areas to find appropriate locations for their expanded activities.

9.0 Economic Development

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

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

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

9.1 Promoting Economic Development and Competitiveness

9.1.1 Brooke-Alvinston will promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and ensuring the necessary infrastructure is provided to support current and projected needs.

9.2 Long-Term Economic Prosperity

9.2.1 Long-term economic prosperity will be supported by:

- a) promoting opportunities for economic development and community investment-readiness;

- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;
- j) promoting energy conservation and providing opportunities for increased energy supply;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and,
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.

9.3 Policies for Encouraging Economic Growth

- 9.3.1** Brooke-Alvinston will organize its assets and efforts around the County's competitive advantages, assets, and emerging opportunities. The Municipality will seek to attract and create the resources, assets, and people (including the knowledge and intellectual capital) that best position the Municipality to exploit its competitive advantages, assets, and emerging opportunities.
- 9.3.2** Brooke-Alvinston will work with the Sarnia-Lambton Economic Partnership to achieve its mission. The Sarnia-Lambton Economic Partnership (SLEP) is the lead economic development organization for the County. It will identify and strengthen economic resources, work to attract industry, and promote economic

incentives. It will provide direction, leadership, and support to community-based economic development in conformity with the economic goals and strategies of this Plan. SLEP will facilitate the joint efforts of business, education, labour, First Nations, and local government as primary partners in problem solving and foraging for new opportunities in a way that establishes common vision and priorities, reduces duplication, eliminates silos, and leverages existing community resources and expertise. SLEP shall conduct ongoing performance measurement.

- 9.3.3** Brooke-Alvinston will continue to work with the County and SLEP to identify and support new market segments locally.
- 9.3.4** Brooke-Alvinston will work with the County to ensure that the physical needs of business are addressed, which includes ensuring that:
- a) a diversity of zoned and serviced sites are available to support a range of industrial and service activities;
 - b) urban communities and employment areas are adequately served by telecommunication facilities; and,
 - c) industrial areas, including industrial and business parks, are well designed and have a high level of available amenities, including access to major transportation routes that are attractive to new investors.
- 9.3.5** Brooke-Alvinston promotes the maintenance and improvement of modern infrastructure systems including roads, railways, airports, harbours, bus services, pipelines, and telecommunications networks to service existing and future employment centres. Brooke-Alvinston further supports the expansion of the linkages between such infrastructure to strengthen the movement of people, as well as the trading of goods and services.
- 9.3.6** Brooke-Alvinston will encourage the creation, development, and support of technologies as necessary infrastructure for economic development, and as a means to expand the economic resource base.
- 9.3.7** Brooke-Alvinston encourages the provision of high quality and high-speed telecommunications throughout the Municipality, particularly cellular and internet services.
- 9.3.8** Brooke-Alvinston encourages the development, redevelopment, repurposing, rehabilitation, and/or remediation of underused downtowns, mainstreets, and commercial districts; resource extraction areas; former institutional, industrial, and commercial sites; and brownfield sites and contaminated sites. Brooke-Alvinston will include guidelines for development of such sites as necessary in its Official Plans and may choose to develop incentive programs that encourage rehabilitation or remediation.

9.4 Supporting a Green Economy

- 9.4.1** This Plan acknowledges the need for economic development to proceed in a way that natural resources, such as air, soil, and water are available for human and environmental health in the long term. This Plan advocates however for the formulation and application of environmental policies in a reasonable way that recognizes an equal balance between environment, society, culture, and economy.
- 9.4.2** Brooke-Alvinston will pursue opportunities such as manufacturing and consulting in association with the development of renewable and alternative energy production. Renewable and alternative energy generation will be supported in appropriate locations when deemed socially and economically sustainable and where imposing no burden to local infrastructure.

PART E: IMPLEMENTATION

1.0 Official Plan

1.1 Official Plan Review

In accordance with the *Ontario Heritage Act*, a special meeting of Council, open to the public, will be held at least once every ten years for the purpose of determining the need for a comprehensive review of policies and land use designations of this Plan, to ensure that it accurately reflects the changing needs and circumstances in the Municipality.

- a) The ten-year review shall consist of an assessment of:
 - i. County growth allocations and the degree to which such allocations are being achieved;
 - ii. The effectiveness of the Plan in protecting water quality, heritage resources, natural resources and habitat and the general environment within the Municipality;
 - iii. The continuing relevance of the vision that forms the basis of all policies found in this Plan;
 - iv. The degree to which the objectives of this Plan have been met;
 - v. The amount and location of lands available for urban development;
 - vi. Whether the Municipality has realized a desirable balance of commercial and industrial assessment in relation to residential assessment;
 - vii. The Municipality's role within the County and its relationship with other municipalities;
 - viii. Development trends in the County and their effect on development in the Municipality; and,
 - ix. Matters which are necessary to address to ensure consistency with or conformity to County and Provincial Plans and policy documents.
- b) The County of Lambton is responsible for determining settlement area boundaries and is the approval authority for boundary expansion. Settlement area expansion is not necessary to accommodate the future growth anticipated during the time horizon of this Official Plan. In the event that a settlement area expansion is contemplated, settlement boundary expansions shall only occur through co-ordinated Local and

County amendments as part of a municipal comprehensive review that reflects the County market area, growth projections, allocations and intensification targets set by the County and where:

- i. Sufficient opportunities for growth are not available through intensification, redevelopment and Greenfield development in designated settlement area lands to accommodate projected needs within the regional market area and within the Municipality;
 - ii. The expansion makes available sufficient lands for a time horizon not exceeding 25 years based on the analysis outlined above;
 - iii. Existing or planned infrastructure and public service facilities required to accommodate the proposed expansion over the long term can be provided in a financially and environmentally sustainable manner and protect public health and safety;
 - iv. In prime agricultural areas:
 1. The lands do not comprise specially crop areas;
 2. There are no reasonable alternatives; and,
 3. There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.
 - v. Impacts from the proposed expansion on adjacent agricultural operations close to the Settlement Area can be mitigated to the extent feasible including compliance with the Minimum Distance Separation formulate;
 - vi. The loss of mineral aggregate extraction opportunities is minimized;
 - vii. Potential negative environmental impacts are mitigated including addressing the source of drinking water as outlined in this Plan, the Source Water Protection Plan, and the County of Lambton Official Plan;
 - viii. In determining the most appropriate location for expansions, the policies of this Plan and the County of Lambton Official Plan shall be applied; and,
 - ix. The timing of the expansion and the phasing of the development within the proposed expansion area would not adversely affect the achievement of any intensification and redevelopment.
- c) Lands located within the Industrial and Mixed Commercial/Industrial designations shall not be redesignated or rezoned to any other non-employment land use, except with the support of a Municipal Comprehensive Review prepared and supported by the Municipality and

County. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:

- i. There is a need for the conversion;
- ii. The Municipality will meet the employment forecasts articulated in the County of Lambton Official Plan;
- iii. The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this Plan;
- iv. There is existing or planned infrastructure to accommodate the proposed use; The lands are not required over the long term for employment purposes for which they are designated; and,
- v. Cross-jurisdictional issues have been considered.

1.2 Official Plan Amendments

Amendments to this Plan may be proposed from time to time. Council will consider such amendments provided that:

- a) the original intent and purpose of the Plan is not radically altered;
- b) the amendment is needed and can be justified in light of accepted planning principles; and
- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken.

2.0 Zoning By-laws

The Zoning By-law is the major legal document that implements the policies of the Official Plan by regulating the use, location, density and design of development in the Municipality. All lawfully existing uses that comply with the provisions of this Plan may be recognized in the implementing Zoning By-law.

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

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

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

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

2.1 Holding Zones

Council may place certain lands in a holding ('H' or 'h') zone in conjunction with any zoning category under the *Ontario Heritage Act*. This procedure will enable the Municipality to phase the actual development of these lands until such time as the lands are required for the proposed use. During "holding periods" necessary concept plans, subdivision plans or development agreements may be prepared and/or plans for municipal services, roads and community facilities may be created.

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

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

The Zoning By-law may contain Holding provisions which will be used where it is necessary to zone lands for development where the future land use has been sufficiently justified but where there are outstanding matters which cannot be handled through zoning and more specifically identified as:

- a) Water, wastewater and/or storm water servicing requirements;
- b) Road improvements or extensions;
- c) Dedication of lands for park purposes or payment of cash-in-lieu for park land dedication;
- d) Verification of suitable environmental site conditions;
- e) Special land use policies, including but not limited to policies to guide redevelopment or certain lands and/or policies to guide appropriate urban design;
- f) Phasing of development; or,
- g) An Environmental Impact Study which determines specific measures to prevent impact on natural heritage features.

2.2 Conditional Zoning

- a) In accordance with Section 34 of the *Ontario Heritage Act*, Council may, through a zoning amendment, impose one or more conditions on the use, erection or location of lands and/or buildings and structures that shall be fulfilled subsequent to approval of the amendment and must be fulfilled prior to the issuance of a building permit for development. Conditions that shall be imposed through a zoning by-law amendment shall be consistent with prescribed Provincial regulations and may include: a requirement to implement measures identified through the zoning amendment review, the provision of services and infrastructure and the protection of natural resources, built environments, sustainability, energy efficiency, and public health and safety.
- b) Council shall require the owner of land subject to a zoning amendment to enter into an agreement to implement, maintain and/or enforce a condition of zoning approval or to provide a time limit for completion of such conditions. The agreement will be registered on title against the lands and will be enforced against the present and subsequent owners.
- c) Proposed changes to conditions subsequent to the decision of Council shall require a further zoning amendment.

2.3 Temporary Use By-laws

The Council may, in a By-law passed pursuant to the *Ontario Heritage Act*, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by the By-law. A By-law authorizing a temporary use will define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-law (ten years in the case of garden suites). These time periods may be

extended (by By-law) for additional three year terms. The temporary use will not become a legal non-conforming use at the date of expiry of the By-law. The types of uses envisaged by Council as using a temporary use By-law include, but are not limited to parking lots, fairs, carnivals, ploughing matches, art-in-the-park sales, or temporary use of a mobile home as a dwelling unit.

2.4 Interim Control By-laws

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

3.0 Non-Complying Uses and Non-Conforming Uses

3.1 Non-Complying Uses

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

In such cases, the Zoning By-law may allow for additions to non-complying buildings or structures and erection of buildings and structures accessory to a non-complying building or structure, provided that the provisions of the Zoning By-law are not further contravened. A further contravention means the making of an addition to an existing non-complying building or structure, any part of which addition does not comply with the required setbacks or any other provision of the Zoning By-law.

3.2 Non-Conforming Uses

- 3.2.1** Any land use existing as of the date of adoption of this Plan that does not conform with the land use designations as shown on Schedule A to this Plan or the policies related thereto should, as a general rule, cease to exist over the long term and will not be recognized as a permitted use in the implementing Zoning By-law.

continuation of use

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

extensions or enlargements

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

conditions

- 3.3.4** In considering applications to permit an extension or enlargement of a non-conforming use, Council will have regard to the following matters:
- a) the land use designations and policies of this Plan;
 - b) the feasibility of acquiring the property pursuant to the *Ontario Heritage Act*;
 - c) the possibility of relocating the use;

- d) the impact of the proposal on the immediate area;
- e) the size of the enlarged operation related to the existing use;
- f) the degree to which any objectionable features of the use may be increased by the proposal;
- g) the possibilities of reducing the objectionable features through landscaping, buffering, etc.;
- h) the adequacy and availability of municipal services;
- i) the impact of the proposal on environmental functions, features and linkages;
- j) the effect of existing environmental hazards; and
- k) the adequacy and availability of sanitary sewage, storm water and water services.

replacement or repair

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

- a) the size of the building or structure to be replaced is the same size as the building or structure destroyed;
- b) if the siting of the non-conforming building or structure is in contravention to one or more provisions of the Zoning By-law, then it shall be a policy of this Plan to encourage the building or structure to be replaced in compliance with the provisions of the Zoning By-law to the extent possible, and in no case shall it further contravene the provisions of the said By-law;
- c) where the non-conforming use is located in an area designated as a site plan control area pursuant to the *Ontario Heritage 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 *Ontario Heritage Act*; and

- g) sanitary sewage, storm water and water services are adequate.

facilitation of development approval

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

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

compatibility

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

- a) building height;
- b) building scale and massing;
- c) set-backs; and,
- d) integration with existing streetscape.

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

- e) compatibility,
- f) parking availability,
- g) infrastructure,
- h) size of units,
- i) number and location of units,
- j) intensity,
- k) exterior renovations and additions,
- l) lot creation,
- m) the historical context of the site.

3.3.7 Pre-Consultation

The Municipality shall require that adequate pre-consultation with the Municipality occurs prior to the submission of an application for development and shall encourage pre-consultation with other affected agencies such as the County and the Conservation Authority, where appropriate. The Municipality

may require the provision of additional supporting information or material required to allow full consideration of the application. The scope of the information or material required for each application shall be determined by the Municipality and the County as part of the pre- consultation process;

The Municipality and/or other affected agencies may require applicants for development applications to provide additional information or studies where any foreseeable impacts are associated with the proposed development including but not limited to environmental, transportation, infrastructure, cultural heritage, Planning Justification Report, Urban Design Analysis, Concept Plan, archaeology or other matters. All required reports and technical studies shall be carried out by Qualified Persons retained by and at the expense of the applicant. The Municipality may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the Municipality at the applicant's expense. In addition to Municipality requirements, the applicant shall ensure that all additional requirements as set out in the County of Lambton Official Plan are addressed. Applications for development approvals which are not accompanied by such studies or other information may be deemed to be incomplete for the purposes of the *Ontario Heritage Act* and the Municipality will not be obligated to process or further consider those incomplete applications.

Applicants for development approvals will also be required to demonstrate compatibility of the proposal through the consideration of proposed elements such as:

- a) building height;
- b) building scale and massing;
- c) set-backs;
- d) integration with existing streetscape;
- e) traffic impacts;
- f) historical context of the site; and,
- g) size, number and location of units.

4.0 Site Plan Control

4.1 Establishment of Site Plan Control Area

The entire Municipality is a Site Plan Control Area. However, in order to avoid undue restrictions, certain classes of development or geographic areas will be exempted from Site Plan Control, as defined through the Site Plan Control By-law.

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

4.2 Approval of Plans or Drawings

No person will undertake any development in an area designated as a site plan control area unless the Municipality has approved one or both, as the Municipality 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.
- c) the Municipality will work with the County to develop Site Plan guidelines that can be used by development proponents when preparing their site plans, and by the Municipality when reviewing site plans.

4.2.1 Conditions to Approval of Plans

As a condition to the approval of the plans and drawings referred to in Section 4.2, the Municipality may require the owner of the land to:

- a) provide to the satisfaction of and at no expense to the Municipality any or all of the following:
- i. widening of highways that abut on the land subject to the *Ontario Heritage Act*. Widening will be in accordance with the Transportation policies of this Plan;
 - ii. facilities to provide access and curbing and traffic direction signs, subject to the Public Transportation and Highway Improvement Act;
 - iii. off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iv. walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
 - v. facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon;
 - vi. walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - vii. vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - viii. easements conveyed to the Municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Municipality or local board thereof on the land; and,
 - ix. grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- b) maintain to the satisfaction of the Municipality and at the sole risk and expense of the owner any or all of the facilities or works set out in Section 4.2.1 a) ii) to ix), inclusive, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- i. enter into one or more agreements with the Municipality dealing with and ensuring the provision and maintenance of any or all of the facilities, works or matters set out in this subsection, or with the provision and approval of the plans and drawings referred to in Section 4.2. Such agreements may be registered against the land to which they apply.

- ii. the Municipality will increase the accessibility of lands and buildings in the community for persons with disabilities including accommodating accessibility standards through proper site planning of public spaces and buildings, (i.e. ramps on curb cuts) in accordance with the provisions of the *Accessibility for Ontarians with Disabilities Act*.

5.0 Committee of Adjustment

5.1 Powers of Committee

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

The Committee of Adjustment, pursuant to the *Ontario Heritage Act*, has the power to:

- a) authorize a minor variance from the provisions of the Zoning By-law or an Interim Control By-law in respect of land, buildings or structures on the land or the use of the land;
- b) permit the enlargement or extension of a non- conforming building or structure and/or a change in use of land, building or structure from one non-conforming use to another;
- c) permit the use of land, buildings or structures for any purpose that in the opinion of the committee conforms with the uses permitted and defined in general terms in the By-law; and
- d) authorize a minor variance from the provisions of any By-law that implements this Plan in respect of land, buildings or structures on the land or the use of land, provided that the committee has been empowered to do so by municipal By-law.
- e) It should be noted that the Committee of Adjustment has no power to permit the enlargement or extension of lands that are used for a non-conforming purpose, nor does it have the power to permit the erection of a new building or structure. The authority to authorize the extension or enlargement of lands that are used for a non-conforming purpose rests with Council, pursuant to the *Ontario Heritage Act*. In this regard the relevant policies of this Plan regarding Non-Conforming Uses shall apply.

5.2 Guidelines for Committee of Adjustment Approvals

5.2.1 Minor Variance

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

- a) is the requested variance minor;
- b) is the general intent and purpose of the Official Plan maintained;
- c) is the general intent and purpose of the Zoning By-law (or other By-law which implements this Plan) maintained; and

- d) is the minor variance desirable for the appropriate development or use of the land, building or structure.

5.2.2 Permission Regarding Non-conforming Use

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

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

5.2.3 Permission Regarding Use

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

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

6.0 Land Division

6.1 Lot Creation

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

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

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

does not result in significant increases in the existing density of development.

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

6.2 Multiple Consents

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

authority

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

services

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

designations

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

severance agreement

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

6.3 Plans of Subdivision

A Plan of Subdivision will normally be required where more than three lots are to be created or where new or extended services such as roads, water and sewers are required to service the property. In evaluating subdivision proposals the Municipality will be guided by the provisions of Section 51(24) of the *Ontario Heritage Act* and the policies of this Plan, including the following.

timing

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

appropriateness of development

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

access

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

Every lot within a plan of subdivision must have frontage on a public road, open and maintained year round, and of an acceptable standard of construction.

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

servicing

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

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

character of the site

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

design

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

The physical patterns of the plan of subdivision should be generally compatible with the design of existing development on adjacent lands. New development should be orderly and contiguous to existing development and the design

should facilitate future extensions to the urban area. In general, road patterns should provide for public safety and emergency access.

6.4 Plans of Condominium

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

7.0 Special Studies

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

8.0 Capital Works

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

9.0 Financial Restrictions

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

- a) restrict development if the amount of such development causes an imbalance in the assessment ratio; or
- b) delay any proposed development where it becomes necessary to carry out large scale public works in order to adequately serve such development.
- c) To ensure that all of the necessary services required to serve and support development are available to meet the demands of all present and future residents. Appropriate development charges or By-Laws may be considered to support the financial ability to provide such services.

10.0 Interpretation

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

10.1 Land Use Boundaries

It is intended that the boundaries of the land use designations be considered as approximate. Boundaries of land use designations coincide with distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses, or other clearly defined physical features. In all other instances, boundaries of land use designations shall be determined by review of: existing zoning by-laws; prevailing lot depths; orientation of lot frontages; lot patterns; and land use patterns.

Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads provided the general intent of the Plan is preserved.

10.2 Numerical Criteria and Standards

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

10.3 Meaning

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

10.4 Permitted Uses

The examples of permitted uses that are listed in the Plan are not meant to be complete or exhaustive but to illustrate the range of activities or uses which are permitted within each land use designation, unless the use is specifically prohibited.

10.5 Reference to Acts

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

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

10.6 Public Information

- 10.6.1** A public participation program will be undertaken in conjunction with the preparation and review of any Official Plan, Community Improvement Plan, consent or Zoning By-law. The purpose of each program will be to increase public knowledge of the planning process and to provide an opportunity for the public to respond to proposals at a public meeting held by Council or the Planning Committee of Council.
- 10.6.2** Where a planning proposal or amendment requires changes to more than one document, Council or the Planning Committee of Council may hold a public meeting to consider the proposed changes jointly, and the public notification procedures for such a meeting will be in accordance with provisions set out in this section, and notification may be joint.
- 10.6.3** Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan, consents and Zoning By-law where it is determined by the Clerk or Chief Planning Official that such changes relate to a consolidation of documents, including the following matters:
- a) Deleting obsolete provisions;
 - b) Altering the section number and/or the order of any provisions;
 - c) Altering language or punctuation to obtain a uniform mode of expression;
 - d) Correcting clerical, grammatical or typographical errors that do not change the purpose or effect of any policies or regulations;
 - e) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision;
 - f) Change a format; and,
 - g) All changes will be adopted by Council.

11.0 Delegation of Authority

11.1 Council may, in accordance with the *Ontario Heritage Act*, delegate approvals of matters stipulated in this Official Plan to a Committee of Council or an individual who is an officer, employee, or agent of the Municipality. Every delegation of approval shall be done through the passage of a delegation By-law by Council.

11.2 The following approvals may be delegated in accordance with Policy 11.1 and subject to the policies of Section 11:

- a) Minor changes to zoning of a property or properties;
- b) Removal of “H” Holding provisions;
- c) Temporary use by-laws;
- d) Additional dwelling units;
- e) Approval of garden suites;
- f) Cash-in-lieu of parking agreements;
- g) Part Lot Control;
- h) Site Plan Control;
- i) Consents; and,
- j) Subdivisions.

11.3 Every delegated approval decision shall comply to the policies and designations of the Official Plan.

11.4 Delegated minor changes to zoning of a property or properties may be approved for:

- a) Siting, size and dimensions of buildings, structures, and similar uses;
- b) Off street parking and loading;
- c) Signs; and,
- d) Screening and landscaping.

11.5 Where required, minor changes to zoning should be permitted which result in the appropriate development of the lands, have no detrimental impacts on adjoining properties, maintain the intent, policies, and principles of the Official Plan and the Zoning By-law, and have regard for the design principles and guidelines of this Plan and the Municipality, will generally be permitted.

11.6 Delegation of approvals for minor changes in zoning should be established for the following:

- a) Low density residential homes or groupings of homes of 10 units or less;
- b) Additional dwelling units;
- c) Garden suites;
- d) Shared Housing;
- e) Tiny Homes; and,
- f) Small scale residential, industrial and commercial development.

11.7 Delegation of approvals for minor changes in zoning should be established for the following applications:

- a) To implement an approved Site Plan;
- b) To implement Part Lot Control;
- c) To implement consents where there are no unresolved agency or community comments;
- d) To implement a Plan of Condominium where there are no unresolved agency or community comments; and,
- e) To implement subdivisions where there are no unresolved agency or community comments.

12.0 Land Acquisition

Land may be acquired, held, and/or disposed of by the Municipality for the purposes of implementing any part of this Plan.

13.0 Interpretation of Maps, Schedules, Tables, and Appendices

This Plan contains Schedules, Tables, Maps and Appendices. For the purposes of implementation:

- a) A Schedule is part of the policy framework and forms part of this Plan. Settlement Area boundaries on a Schedule are fixed and definitive;
- b) A Table is a summary of policy requirements in a graphic form and is part of this Plan;
- c) A Map is a visual guide or aid provided to assist the reader in understanding the geographic location or context of a policy and does not form part of this Plan; and,
- d) An Appendix is intended to provide policy context to the reader and does not form part of this Plan.

14.0 Guidelines

In order to assist in good planning, improving planning service delivery for end users, and ensuring land use impacts are appropriately addressed, the Municipality may prepare guidelines and technical studies to assist with the implementation of this Plan. Implementation Guidelines are recognized as statements adopted by resolution of Council which detail the manner in which policies established in this Plan will be implemented. Implementation Guidelines will not be used as instruments to introduce new policy provisions that could be the basis for denying development applications under the *Ontario Heritage Act*, or for interfering with the natural justice rights of landowners and the public.

15.0 Monitoring

Monitoring of the Official Plan implementation is an important approach to identify any issues or emerging opportunities with the Plan's implementation. Every year, a monitoring update report should be provided to Council that identifies:

- a) Growth in Housing and Employment
- b) Population Growth
- c) Updates on any decisions of the Ontario Land Tribunal that impact the Official Plan.

16.0 Community Planning Permit System

The Community Planning Permit System allows the Municipality to address local planning issues integrating community goals with local character, planning for new development, and streamlining development approvals. The Community Planning Permit System addresses local planning issues and reflects local character and distinctiveness through the creation of a comprehensive vision for a particular area. The Community Planning Permit System enables consistency of planned outcomes a vision for the area to which it applies.

16.1 Applicability

The entire Municipality of Brooke Alvinston is a Community Planning Permit System Area.

16.2 Objectives

The objectives for the Community Planning Permit System for the Municipality are:

- a) Preserving the Municipality character and small-Municipality and rural community vision;
- b) Ensuring that new development is implemented consistent with the Municipality character and small-Municipality and rural vision;
- c) Ensuring high quality design of both private and public spaces in settlement areas;
- d) Protection and support for agricultural production;
- e) Streamlining the development approval process while providing certainty to built form and land uses; and,
- f) Ensuring a broad based community engagement program is completed in the creation.

16.3 Areas for Community Planning Permit System By-laws will be identified by Council.

16.4 Background Study

Council will ensure a background study for a proposed Community Planning Permit Area is prepared. Consultation with the community, including stakeholder organizations and Indigenous communities, shall be required. At least one open house and statutory public meeting of Council shall be held. The background study will form the basis of the Community Planning Permit System By-law.

16.5 Elements in a By-law

- a) Community planning permit by-laws shall set out permissible uses and development standards with specified minimum or maximum limits.
- b) The Community Planning Permit By-Law may permit a use as a discretionary use, or permit a use not specifically listed as a permitted use in the Community Planning Permit By- Law, provided that the proposed use is similar to, and compatible with, the listed permitted uses; would have no negative impact on adjoining properties; and would maintain the intent, principles and policies of this Plan.
- c) The Community Planning Permit By-law may allow for defined variations to the standards and provisions outlined in the Community Planning Permit By-Law. Such variations will only be permitted if they are consistent with the policies of the Official Plan and the specific background study.
- d) Community planning permit by-laws may prohibit land uses.
- e) Community planning permit by-laws may exempt certain types of development from a permit.
- f) Community planning permit by-laws may include inclusionary zoning requirements.
- g) Community planning permit by-laws shall establish criteria to evaluate the use and development of land and may include one or more of the following, in addition to any other area specific criteria arising from the background study and community engagement:
 - i. the built environment, such as, patterns of streets and blocks, the mix and location of land uses, the public realm, built form, and heritage resources;
 - ii. the human environment, such as, housing, community and recreation services and facilities, parks and open spaces;
 - iii. protection, restoration and enhancement of the natural environment;
 - iv. transportation and municipal infrastructure and servicing; and,
 - v. the appropriate phasing of development.
- h) The Community Planning Permit By-law may provide that a community planning permit may be issued to permit, as a discretionary use, an extension to a legal non-conforming use or change in use of a legal non-conforming use, provided that the proposal is desirable in order to

avoid hardship; that it would have no negative impact on adjoining properties; and that it would maintain the intent, objectives, principles and policies of this Plan and the objectives of the By-law.

16.6 Complete Application

The Community Planning Permit By-law will specify requirements for a complete application in addition to the requirements of this Plan. These requirements shall be confirmed with the Municipality through a required pre-consultation meeting prior to the submission of an application for a permit. Pre-consultation will provide important information including the identification of required studies and/or reports in support of an application.

All applications for permit are required to submit a full drawing and plan set which includes drawings that show plan, elevation and cross-section views for each building or structure to be erected and are sufficient to display:

- a) The massing and conceptual design of the proposed building,
- b) The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
- c) The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, and open spaces;
- d) Matters relating to exterior design, including but not limited to scale, appearance, and design features including pedestrian and cyclist access;
- e) Design elements on any adjoining highway under the Municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities and any facilities designed to have regard for accessibility for persons with disabilities.

16.7 Conditions of Approval

- a) requiring that the development does not occur until municipal services are available to the site;
- b) providing adequate on-site and off-site service or road infrastructure and works as necessary to service the proposed development;
- c) conveying part of the land to the Municipality to the satisfaction of, and at no expense to, the Municipality for a parkland, public roads or transit right-of-way or providing cash-in-lieu of same;

- d) maintaining the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- e) maintaining vegetation and landscaping;
- f) monitoring the impact of the development on the environment and adapting property management activities to mitigate any identified impacts;
- g) Implementing the recommendations of any technical reports submitted in support of the application;
- h) requiring that appropriate mitigation is undertaken prior to development occurring where site contamination or other environmental constraints are present and/or that satisfactory verification of suitable environmental site condition is received by the Municipality;
- i) requiring that any archaeological features are identified and appropriately protected prior to any site alteration or grading;
- j) Providing streetscape features within the municipal road allowance to implement streetscape guidelines established by Council.

16.8 Delegation

Council may delegate to staff the approval or issuance of permits and execution of agreements. Limits on and criteria for such delegation will be established in the Community Planning Permit By- Law.

16.9 Agreement

The Community Planning Permit by-law may require an applicant to enter into and register on title an agreement with the Municipality, enforceable against current and future owners, dealing with some or all of the conditions imposed on a development permit.

16.10 Financial Securities

The Community Planning Permit by-law may require the applicant to provide financial security to ensure the satisfaction of any condition imposed on the permit and/or the completion and/or maintenance of the development.