

**AMENDMENT NO. 3**

**TO**

**THE OFFICIAL PLAN**

**FOR THE**

**MUNICIPALITY OF NORTH MIDDLESEX**

**SUBJECT: Five Year Official Plan Review General Amendment**

**DATED: \_\_\_\_\_**

**APPROVAL AUTHORITY: County of Middlesex**

**CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX  
BY-LAW NUMBER \_\_ OF 2010**

**BEING A BY-LAW TO AMEND THE OFFICIAL PLAN  
OF THE MUNICIPALITY OF NORTH MIDDLESEX**

The Council of the Corporation of the Municipality of North Middlesex, in accordance with Section 17 of the Planning Act, R.S.O. 1990, c.P.13, hereby enacts as follows:

1. THAT Amendment Number 3 to the Official Plan of the Municipality of North Middlesex, consisting of the attached document is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the County of Middlesex for approval of the aforementioned Amendment Number 3 to the Official Plan for the Municipality of North Middlesex.
3. THAT Amendment Number 3 shall not come into force and effect until it has been approved in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. THAT this By-law shall come into force and take effect on the day of final passing thereof.

ENACTED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed:

Signed:

\_\_\_\_\_  
(S. Scott, Administrator-Clerk)

\_\_\_\_\_  
(Wesley Hodgson, Mayor)

**CORPORATE SEAL  
OF  
MUNICIPALITY**

**AMENDMENT NO. 3**

The attached text, constituting Amendment No. 3 to the Official Plan for the Municipality of North Middlesex was prepared by the Municipality of North Middlesex under the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, and this amendment was adopted by Council of The Corporation of the Municipality of North Middlesex by By-law No. \_\_ of 2010 on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 in accordance with the provisions of Section 17 of the Planning Act, R.S.O. 1990, c.P.13.

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Mayor

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Administrator-Clerk

**AMENDMENT NO. 3**

To the Official Plan for the Municipality of North Middlesex

**PART A** – **THE PREAMBLE** – does not constitute part of this Amendment

**PART B** – **THE AMENDMENT** – consisting of the text constitutes Amendment No. 3.

**PART C** – **THE APPENDICES** – do not constitute part of this Amendment.

## **AMENDMENT NO. 3 TO THE OFFICIAL PLAN OF THE MUNICIPALITY OF NORTH MIDDLESEX**

### **PART 1 – THE PREAMBLE**

#### **1.0 PURPOSE OF AMENDMENT**

The North Middlesex Official Plan was adopted by Council on 23 June 2003 and approved by the County of Middlesex on 9 March 2004.

The purpose of this Amendment is to implement changes to the North Middlesex Official Plan further to the five year review project initiated in 2009. Pursuant to Section 26 of the Planning Act, R.S.O. 1990, c.P.13, a municipality is required to review its official plan not less frequently than every five years after it comes into effect. Further, prior to revising its official plan a municipality is required to consult with the approval authority and the prescribed bodies as to revisions that may be required and to hold a special Council meeting open to the public to discuss the revisions that may be required. The Municipality of North Middlesex has undertaken the required consultation and held a special Council meeting to present recommended revisions to the official plan on 2 December 2009.

Based upon the Municipality's review of its official plan, consultation with the County of Middlesex as the approval authority and prescribed bodies, and public input received at the special Council meeting, it was determined that certain changes are required. This amendment will generally update existing policies related to agriculture, natural environment, housing and procedural matters to ensure consistency with the Provincial Policy Statement and conformity with the County of Middlesex Official Plan. The Province issued a new Policy Statement in 2005 and the County of Middlesex updated its official plan in 2006. In addition, this Amendment also includes changes of a minor technical nature and updates with respect to changes to the Planning Act which came into force in 2007.

#### **2.0 LOCATION OF AMENDMENT**

Official Plan Amendment No. 3 pertains to all lands within the Municipality of North Middlesex.

#### **3.0 BASIS OF AMENDMENT**

The required five year review of the North Middlesex Official Plan was initiated in 2009. Since that time, the Draft Issues Report for the review project was prepared and accepted by Council in April 2009. The Draft Issues Report was forwarded to the County of Middlesex Technical Review Committee constituted at the request of the Municipality for the project and consists of representatives of the Ministry of Agriculture, Food and Rural Affairs, Ministry of Culture and Leisure, Ministry of the Environment, Ministry of Municipal Affairs and Housing, Ministry of Natural Resources, and the Ministry of Transportation as well as the County of Middlesex and

the Ausable Bayfield Conservation Authority (ABCA). Meetings were held with the Technical Review Committee and the ABCA in June 2009 with regard to the Draft Issues Report. In addition, First Nations consultation was initiated in July 2009.

Based upon input that was received, the report was revised and the Final Issues Report was accepted by Council in October 2009. The Final Issues Report addresses the following topics:

- Agricultural/Rural Issues
- Housing
- Settlement Areas
- Special Policy Areas
- Municipal Servicing
- Environmental Policies
- Cultural Heritage Policies
- Administrative Issues

## **PART B – THE AMENDMENT**

The following constitutes Amendment No. 3 to the Official Plan for the Municipality of North Middlesex:

1. Section 2.0 is amended by adding a new Section 2.0 j) as follows and renumbering of the current Sections 2.0 j), k), l) and m) to 2.0 k), l) and m) respectively:

“Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted without the need for approvals under the Planning Act in all areas of the Municipality except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.”

2. Section 3.3.4 a) is amended by deleting the words “where possible and appropriate”.
3. Section 3.3.4 is amended by adding a new Section 3.3.4 c) as follows with the current Sections 3.3.4 c) and d) being renumbered to Section 3.3.4 d) and e) respectively:

“c) Protect significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it is demonstrated that there will be no negative impacts on the natural features or their ecological functions.”

4. Section 3.3.6 is amended by being deleted and replaced with the following new section:

“Cultural, Archaeological and Built Heritage Objectives

- a) Preserve and enhance the significant built heritage resources and significant cultural heritage landscapes.
  - b) Encourage and foster public awareness, participation and involvement in the conservation of cultural heritage resources which will encourage the beautification, improvement and/or redevelopment of the Municipality.
  - c) Encourage the improvement and revitalization of the Central Areas of Ailsa Craig and Parkhill as healthy, vibrant and family-oriented areas for mixed commercial, residential, cultural, social, tourism and entertainment uses.
  - d) Protect and conserve key cultural, archaeological and built heritage resources in the Municipality through the appropriate use of available planning tools including the evaluation of development proposed on lands adjacent to protected heritage property.”
5. Section 4.1.1 h) is amended by being deleted in its entirety.
  6. Section 4.1 is amended by adding the following new Section 4.1.5 as follows:

“Protection of Employment Areas

Council will support the protection of existing employment areas in the Municipality. Proposals to permit the conversion of lands within employment areas to non-employment uses may only be permitted through a Comprehensive Review which demonstrates that the land is not required for employment purposes over the long term and that there is a need for the conversion. Council may refuse to adopt or approve an amendment to remove areas of employment in accordance with the provisions of the Planning Act even if other land is proposed to be added.”

7. Section 4.2 b) ii) is amended by the addition of the words “optimize energy efficiency, and are pedestrian oriented”.
8. Section 4.3.1 is amended by deletion of the last sentence of the first paragraph and addition of the following sentence:

“The Municipality requires the conservation of significant built heritage resources and significant cultural heritage landscapes.”

9. Section 4.3.2 a) is amended by being deleted in its entirety and replaced with the following sentence

“New development and re-development shall ensure the conservation of significant heritage resources and landscapes and shall, wherever feasible, incorporate these resources into any plan that may be prepared for such new development or re-development within the Municipality. Council will require the preparation of an adequate heritage/archeological assessment when development proposals affect significant cultural heritage resources or areas of archaeological potential.”

10. Section 4.3.2 c) is amended by being deleted in its entirety and replaced with the following section:

“Prior to development or redevelopment, Council will determine if there are registered archaeological sites on the lands or if the lands have the potential for archaeological resources based on archaeological potential maps and/or provincial screening criteria. Any required archaeological assessment must be conducted by an archeologist licensed under the *Ontario Heritage Act*, and shall be submitted to the Ministry of Tourism and Culture for Review and compliance to licensing provisions and archaeological standards and guidelines and to the Municipality for final review. For a proposed development within an area of archaeological potential, an archaeological assessment shall be required prior to draft plan approval or prior to execution of a site plan agreement.”

11. Section 4.3.2 e) is amended by adding the following sentence after the first sentence:

“Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.”

12. Section 5.1.4 e) is amended by deleting “six (6)” in the first line and replacing it with “five (5)”.

13. Section 5.2.5 is amended by adding the following new paragraph after the first paragraph:

“The Municipality shall encourage housing accessible to lower and moderate income households. In this regard the County of Middlesex through its Official Plan will require that 20 percent of all housing be affordable. In the case of ownership housing the least expensive is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. This “benchmark” purchase price figure for 2008 is \$232,485 in the Middlesex regional market area. This “benchmark” figure will change over time as a result of fluctuating mortgage costs, utility rates, and the vagaries of the housing market over which the County of Middlesex and the Municipality have no control. The County will, however, monitor the “benchmark” on an annual basis.”

14. Section 5.2.5 a) is amended by deleting it in its entirety and replacing it with the following new wording:

“Intensification and redevelopment within the Settlement Areas will be encouraged to provide a greater mix and balance of residential housing types. In its consideration of such opportunities, the Municipality will be guided by municipal service, environmental, and transportation issues. Neighbourhood compatibility will also be considered relative to the physical characteristics and site design of intensification proposals. This will include such matters as building height and massing, lot coverage and parking. The County and the Municipality will require that 15 percent of all development occur by way of intensification and redevelopment.”

15. Section 5.2.5 f) is amended by deleting it in its entirety and replacing it with the following new wording:

“Council will maintain a minimum ten year supply of land designated for housing through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development. In addition, Council will maintain a minimum 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 of subdivision.”

16. Section 6.2 h) is amended by being deleted in its entirety.

17. Sections 6.2 i) and j) are amended by deleting them entirely.
18. Section 6.4.1 c) is amended by adding the word “temporary” before “agricultural demonstration events shall be permitted.”
19. Section 6.4.2 e) is amended by adding the words “or their ecological functions.” after “Natural Heritage Features”
20. Section 6.4.2 j) is amended by deleting it in its entirety and replacing it with the following:

“Prior to establishing a new livestock operation or expanding an existing livestock operation, a Nutrient Management Strategy and/or Plan shall be completed in accordance with accepted Ministry of Agriculture, Food and Rural Affairs standards and the Nutrient Management Act and its associated regulations.”

21. Section 6.4.2 k) is amended by deleting the word “All” in the first line and replacing it with the words “New or expanding”.
22. Section 6.4.4 is amended by deleting the existing wording in its entirety
23. Section 6.6.2 a) ix) is amended by deleting the existing wording in its entirety and adding the following new wording:

“The capability of the lands for agriculture and other land uses including demonstration that other alternatives for resource extraction on lower-priority lands are not available.”

24. Section 6.6.2 c) is amended by deleting subsections i) and ii) and adding the following new subsections:
  - “i) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction or the depth of planned extraction in a quarry makes restoration to agricultural capability unfeasible;
  - ii) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3; and;
  - iii) Agricultural rehabilitation in remaining areas is maximized.”
25. Section 7.3.1 is amended by removing the words “wherever possible” in the first sentence.

26. Section 7.3.1 is further amended by deleting the words “due consideration” in the second last sentence and replacing them with the word “priority”.
27. Section 7.3.2 b) is amended by adding the words “or site alteration” after “development” in the second line.
28. Section 7.3.2.1 is amended by changing the subsection entitled “One-Zone Approach” from a) to c).
29. Section 7.3.2.1 is further amended by adding the sentence “The general provisions of the Provincial and Ausable Bayfield Conservation Authority flood plain management policy shall apply.” to Sections 7.3.2.1 a) and c).
30. Section 7.3.3 is amended by adding the word “major” after “including” in the first sentence.
31. Section 7.3.3 b) is amended by deleting the words “in, adjacent to or abutting” and replacing them with the words “within or adjacent to”.
32. The tables of Sections 7.3.3 c) and 7.3.4 b) are amended by changing the reference to “Habitat of threatened or endangered species” to “Significant habitat of endangered species and threatened species”, from “Provincially significant wetlands” to “Significant wetlands”, and from “woodlands” to “significant woodlands”.
33. The table of Section 7.3.3 c) is amended by deleting the text for the cell entitled Conditions under which development and site alteration may be permitted for Habitat of threatened or endangered species to read as follows:  
  

“EIS demonstrates that there will be no negative impacts on either the species or the habitat values upon which the species depend directly and indirectly, and any related ecological functions.”
34. The table of Section 7.3.4 b) is further amended by replacing the references to “50 metres” with “120 metres”.
35. The table of Section 7.3.4 b) is further amended by adding the words “or ABCA” pertaining to significant natural areas and wildlife habitat.
36. The table of Section 7.3.4 b) is further amended by deleting “or ABCA” pertaining to Areas of Natural and Scientific Interest.
37. Section 7.3.5 g) is amended by being deleted in its entirety.
38. Section 7.4.3 c) is amended by deleting the word “shall” and replacing it with “may”.

39. Section 7.4.3 c) is further amended by deleting the words “as determined in consultation with” and replacing them with “as permitted by”.

40. Section 8.2.6 is amended by adding the following sentence at the end of the section:

“Accordingly, as a condition of its approval of a plan of subdivision, the Municipality may request the dedication of pedestrian and bicycle pathways.”

41. Section 8.3.2 d) is amended by deleting the subsection in its entirety and replacing it with the following:

“Where only municipal piped water supply is available, new lots created by consent shall be sized such that there is sufficient space for a building envelope and a sewage envelope. Holding tanks shall not be permitted for new development.”

42. Section 8.3.3 f) is amended by deleting the words “sewage system contingency area”.

43. Section 8.3.5 is amended by deleting the reference to “Section 9.6.3” and replacing it with “Section 9.6.5”.

44. Section 8.3.5 c) is amended by being deleted in its entirety and replacing it with the following wording:

“ensure that natural heritage features are avoided and that, where appropriate, consideration is given to enhancing vegetation, wildlife habitats and corridors in and along the storm water management system and the receiving watercourses;”

45. Section 8.3.5 d) is amended by being deleted in its entirety and Sections 8.3.5 e) and f) being renumbered to 8.3.5 d) and e) respectively.

46. Section 8.3.5 is amended by adding the following sentence at the end of the section as follows:

“Further consultation may be required with the Conservation Authority relative to its stormwater management policies and priorities.”

47. Section 9.1 is amended by adding the following sentence before the current section:

“All decisions of the Municipality’s Council, the Committee of Adjustment, and any other local committee or board shall be consistent with the Provincial Policy Statement and Provincial Plans issued under Section 1 of the *Planning Act*, as amended.”

48. Section 9.2 is amended by deleting the second sentence and replacing it as follows:

“In accordance with the provisions of the *Planning Act*, Council shall monitor and review this Plan not less frequently than every five years after the Official Plan comes into effect, consult with the County of Middlesex and prescribed public bodies, hold a special meeting open to the public to discuss the revisions that may be required and revise the plan as required. The revisions shall ensure that the Official Plan conforms with provincial plans, has regard to matters of provincial interest and is consistent with the policy statements issued under the *Planning Act*.”

49. Section 9.3 is amended by adding a new paragraph after the first paragraph as follows:

“Where this Official Plan is amended further to the required review under the *Planning Act*, the Municipality’s comprehensive zoning by-law shall be updated no later than three years after a revision comes into effect to ensure that it conforms with this Official Plan.”

50. Section 9.4 b) is amended by adding the following new subsections xii) and xiii):

- “xii) There is a need for construction and improvements to energy efficiency;
- xiii) There is demonstrated need for the provision of affordable housing.”

51. Section 9.4 c) is amended by adding the follow new subsection xi):

- “xi) Provision of grants and loans by the Municipality to registered owners, assessed owners and tenants of lands and buildings within a Community Improvement project area, and their assigns, for the purpose of paying for the whole or any part of the eligible costs of the community improvements measures under the Plan;”

52. Section 9.5.1 a) is amended by changing the words “environmental protection areas” to “natural heritage features”.

53. Section 9.6 is amended by adding the following paragraph before Section 9.6.1 as follows:

“Applications for approval under the *Planning Act* including applications for official plan amendment, zoning by-law amendment, minor variance, consent, plan of subdivision and condominium, and site plan control must be determined to be complete by the Municipality under Section 9.7 herein prior to notification under the Act and consideration by Council under the policies of this Section.”

54. Section 9.6.3 is amended by adding the following new sentence at the end of the paragraph:

“The Committee of Adjustment may impose terms and conditions in a decision on a minor variance and may also require an owner of land to enter into one or more agreement with the Municipality dealing with some or all of the terms and conditions. Such agreements may be registered against the land to which it applies and the Municipality is entitled to enforce the

agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.”

55. Section 9.6.4 is amended by deleting the words “shall also have regard for” and replacing them with “shall be consistent with” and by deleting the word “confirm” and replacing it with “conform”.
56. Section 9.6.4 a) is amended by adding the following new subsection ii) with the current ii), iii) and iv) being renumbered to iii), iv) and v) respectively:
  - “ii) The subdivider owns other land which is available and suitable for development and which lies adjacent to the lots proposed to be created.”
57. Section 9.7 is amended by changing the title to “Supporting Study Requirements and Complete Applications”.
58. Section 9.7 is further amended by deleting the first paragraph and adding the following new paragraphs:

“Council requires applicants to consult with the Municipality prior to submitting an application under the *Planning Act*. Certain supporting studies, information and materials may be required as part of a development approval process or as part of a detailed planning study as identified through this Plan. The need and timing of such supporting studies, information and materials will be determined by the Municipality on a site-specific basis in consideration of a particular site’s land use context and the policies of this Plan during the pre-application consultation process.

In all instances, the number and the scope of the studies required for the submission of a complete application should be appropriate and in keeping with the nature and complexity of a particular application. For applications that may be considered minor in nature, little additional information may be required. In all cases, applicants should seek the Municipality’s approval of terms of reference prior to commencing preparation of the required study, information or material.

Support studies shall be prepared by qualified professionals to the satisfaction of the Municipality and, where applicable, in consultation with relevant public agencies and affected parties. In addition, support studies required shall be prepared having regard to relevant federal and provincial legislation and applicable policies and guidelines. Where an impasse arises between an applicant and the Municipality or a public agency as to the adequacy of a supporting study, the Municipality may retain the services of its own consultant to conduct a peer review of such study and provide Council with an independent opinion on such matters for Council’s consideration. The costs of associated with such peer review will be borne by the applicant.

The Municipality may establish a public participation program as part of the preparation of a support study to allow interested or affected parties to participate in the process.

Council may adopt a support study by resolution. Any mitigative measures recommended in a support study shall be considered as a condition of Council’s approval of a particular development proposal or land use change to be implemented by the applicant.”

- 59. Section 9.7.1.1 b) is amended by deleting the words “sensitive features” and replacing them with “significant natural features and their functions”.
- 60. Section 9.7.1.1 c) and d) is amended by deleting the word “sensitive” and replacing it with “significant”.
- 61. Section 9.7.1.2 b) is amended by deleting the word “sensitive” and replacing it with “significant”.
- 62. Section 9.7 is further amended by the addition of the following new Sections 9.7.4 and 9.7.5:

“9.7.4 Other Studies, Information or Material

In addition to the studies identified in Sections 9.7.2, 9.7.3 and 9.7.4 herein, the Municipality may require the applicant to submit any of the following supporting studies, information and material in accordance with the policies of this Plan and/or accepted professional standards and/or guidelines as applicable:

- Planning Justification Study
- Transportation Study
- Servicing and Infrastructure Study
- Financial and Market Impact Study
- Nuisance and Hazard Study
- Financial and Market Impact Study
- Green (Energy Efficiency) Study

The categories of supporting study, information and material set out herein are not intended to preclude the Municipality and its delegated approval authorities from requiring additional reports and studies that may be identified during the planning process if circumstances necessitate the need for such information as part of the decision making process.

9.7.5 Notice of Complete Applications

When the pre-application consultation process for a proposed development approval application identified the need for one or more support studies,

information and/or material, the application will not be considered complete for processing purposes until the required studies, information and material are prepared and submitted to the satisfaction of the Municipality. Notice of a complete application will be given to the applicant and all other parties by the Municipality in accordance with the *Planning Act*.”

63. Section 9.7.3 d) is amended by being deleted in its entirety.
64. Section 9.8 c) is amended by changing the word “encourage” to “require”.
65. Section 9.8.1 a) is amended by adding the words “which includes the holding of a public open house where required as well as a public meeting.”
66. Section 9.8.1 b) is amended by adding the words “which includes the holding of a public open house where required as well as a public meeting.”
67. Section 10.0 is amended by adding reference to Schedule “A3-1” as follows after Schedule “A3”:

“Schedule “A3” - Land Use – Nairn Development Concept”

68. Schedule “A” Land Use (Rural Area) is deleted in its entirety and replaced with Schedule “A” Land Use (Rural Area) found as Schedule “A” to this Amendment;
69. Schedule “A1” Land Use (Parkhill Urban Settlement Area) is deleted in its entirety and replaced with Schedule “A1” Land Use (Parkhill Urban Settlement Area) found as Schedule “A1” to this Amendment;
70. Schedule “A2” Land Use (Ailsa Craig Urban Settlement Area) is deleted in its entirety and replaced with Schedule “A2” Land Use (Ailsa Craig Urban Settlement Area) found as Schedule “A2” to this Amendment;
71. Schedule “A3” Land Use (Nairn Community Settlement Area) is deleted in its entirety and replaced with Schedule “A3” Land Use (Nairn Community Settlement Area) found as Schedule “A3” to this Amendment;
72. Schedule “A3-1” Land Use Nairn Development Concept is deleted in its entirety and replaced with Schedule “A3-1” Land Use (Nairn Development Concept) found as Schedule “A3-1” to this Amendment.
73. Schedule “B” Transportation (Rural Area) is deleted in its entirety and replaced with Schedule “B” Land Use (Rural Area) found as Schedule “B” to this Amendment;

74. Schedule "B1" Transportation (Parkhill Urban Settlement Area) is deleted in its entirety and replaced with Schedule "B1" Land Use (Parkhill Urban Settlement Area) found as Schedule "B1" to this Amendment;
75. Schedule "B3" Transportation (Nairn Community Settlement Area) is deleted in its entirety and replaced with Schedule "B3" Land Use (Nairn Community Settlement Area) found as Schedule "B3" to this Amendment;
76. Schedule "C" Natural Heritage Features is deleted in its entirety and replaced with Schedule "C" Natural Heritage Features found as Schedule "C" to this Amendment.

**PART C – THE APPENDICES**

The Appendices do not constitute part of Official Plan Amendment No. 3 to the North Middlesex Official Plan and are attached for information purposes only.

**APPENDIX I           --       Revised Section 1.0 INTRODUCTION**

**APPENDIX II         --       Revised APPENDIX “A” – DEFINITIONS**



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## 1.0 INTRODUCTION

### 1.1 CONTEXT TO THE OFFICIAL PLAN

The Municipality of North Middlesex was inaugurated on January 1, 2001. Its formation was one of several significant restructured municipalities within Middlesex County, bringing together the former Townships of East Williams, McGillivray and West Williams, the Town of Parkhill and the Village of Ailsa Craig. The Municipality constitutes most of the northern area of Middlesex County. North Middlesex is abutted to the north and the west by the Municipality of Lambton Shores within Lambton County, to the south by the Municipality of Middlesex Centre and to the east by the Township of Lucan-Biddulph. Also to the east and north lies Huron County. The Municipality covers approximately 60,000 hectares and is located in the Ausable River watershed.

In February of 2002, the Municipality of North Middlesex began a process to prepare a new Official Plan and Zoning By-law. A comprehensive review and update of long-term planning was required to respond to a number of specific issues, as well as to establish an appropriate planning framework to address the many challenges facing the newly amalgamated Municipality. The Official Plan provides a consistent policy framework for the five former municipalities. The Plan guides Council in the consideration of their responsibilities, and provides direction and certainty to the citizens of North Middlesex.

The North Middlesex Official Plan was adopted by Council on 23 June 2003 and approved by Middlesex County Council on 9 March 2004. As required by the Planning Act, the North Middlesex Official Plan was reviewed in 2009.

In accordance with the Planning Act, this Official Plan shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the Municipality or part of it. This Official Plan may also contain a description of the measures and procedures proposed to obtain the objectives of the Plan and a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the Official Plan or in respect of a proposed zoning by-law as well as such other matters as may be prescribed.



## **1.2 PURPOSE OF THE OFFICIAL PLAN**

The purpose of this Official Plan is to:

- a) Provide an overall policy framework to guide the maintenance, rehabilitation, growth and development of the Municipality of North Middlesex in order to ensure a sustainable living environment that meets the needs of the community over a 20-year planning timeframe/horizon.
- b) Promote the orderly growth and economic development of North Middlesex through the logical and cost effective distribution of land uses that will safeguard the health, convenience and economic well-being of residents, businesses and visitors while ensuring preservation of the natural environment.
- c) Reduce uncertainty in the public and private sectors regarding future development by establishing clear development principles and policies, and land use designations.
- d) Provide guidance to Council in determining the appropriate future actions relating to physical change, development and improvement within the Municipality.
- e) Protect and, wherever possible, enhance significant natural features and areas.
- f) Recognize the financial position of the Municipality and promote a satisfactory long-term balance between residential and farm assessment, and commercial and industrial assessment.
- g) Establish goals, objectives and policies to: reconcile existing conditions; maintain the ability of the Municipality to provide appropriate services; and respond to local aspirations in light of variables such as population and economic change.
- h) Define the means of implementing the policies and schedules of this Plan, including such matters as secondary plans, community improvement plans, the Zoning By-law, plans of subdivision, zoning by-law amendments, severances and consents, site plan control and servicing.

## **1.3 BASIS FOR THE OFFICIAL PLAN**

The basis for the Official Plan is outlined as follows:

- a) This Plan is based on background information and analysis relating to growth management including transportation, housing,



community facilities and servicing issues; land use; agriculture; economic development; commercial and industrial activities; built heritage and the natural environment.

- b) This Plan is based on the results of a comprehensive public consultation program that provided residents and other stakeholders with the opportunity to review and comment on the background reports and draft versions of this Plan, produced during the course of preparing the Plan.
- c) This Plan is based on a 20-year planning period from the year 2003 to the year 2022. However, in accordance with the requirements of the *Planning Act*, the Municipality will review the Plan at 5-year intervals to determine if amendments are required.
- d) The Municipality's 20-year population target of approximately 7,600 (2022) is based on past trends and the County's population projections provided in the Middlesex County Official Plan.
- e) Vacant land designated for future residential development around Parkhill, Ailsa Craig and Nairn represents a logical extension of existing development within the Municipality and is adequate to meet the anticipated demand for undeveloped land. Demand for additional undeveloped land may be evaluated at the 5-year review of this Plan.
- f) This Plan encourages orderly and phased development, and discourages the undue extension of municipal services. The Urban Reserve Area Land Use Designation is identified to help guide the very long-term orderly development of land within the Municipality beyond the horizon of this Plan.
- g) This Plan promotes the maintenance and improvement of the Main Streets in Parkhill and Ailsa Craig as the predominant social, cultural and community foci of the Municipality. This Plan further promotes these areas as unique mixed commercial, office and residential areas in the Municipality.
- h) This Plan promotes and protects the predominately agricultural character and economy of the Municipality by providing for the continued viability of agricultural areas, the agricultural industry, and agricultural communities. This will be accomplished in part through the minimization of land use conflicts and the prevention of non-agricultural urban uses outside of the Settlement Areas.
- i) Land subject to environmental hazards and/or physical limitations such as poor drainage, organic soils, flood susceptibility, erosion,



and steep slopes are to be protected in order to preserve and conserve the natural environment.

- j) The policies of this Plan have been developed within the context of the Provincial Policy Statement and the Middlesex County Official Plan.

### 1.4 HOW TO USE THE OFFICIAL PLAN

This Plan has several interrelated components, which must be read together in order to determine those components and policies that have an impact on any individual parcel of land within the Municipality of North Middlesex.

The Interpretation Section (Section 2) describes how the Plan is to be interpreted and provides an explanation of the Plan's effect.

The Plan promotes sustainable development, healthy community ideas and encourages economic vitality. The Goals and Objectives set out in Section 3 of the Plan provide the framework within which the other policies have been prepared. The Goals and Objectives should be read to understand what the policies are striving to achieve. The Goals and Objectives provide the basis for the Policies outlined in Sections 4, 5, 6 and 7.

Sections 4, 5, 6, 7, 8 and the associated Schedules "A", "B", and "C" designate all land within the Municipality with an appropriate land use designation and other denotations. By reading Schedule "A", it can be determined what land use designation applies to any parcel of land and what impact the surrounding land use designations may have on the parcel. Reading the policies that apply to the corresponding land use designation will provide direction related to the development of land, within that designation. If the parcel is near the edge of the land use designation, the policies that apply to the adjacent land use designation should also be reviewed to determine if there are policies dealing with the interface area between the two designations that may have an impact on development.

Schedule "B" provides an illustration of the transportation system of the Municipality, which is described in the policies of the Plan. Schedule "C" illustrates the natural heritage considerations that are described in the policies of the Plan.

The Implementation Section (Section 9) indicates the types of planning tools, techniques and studies needed to implement the policies of this Plan.

In determining which land use designations, development constraints or policies affect a property or properties within the Municipality, the Municipality of North Middlesex should be consulted.



## 1.5 ORGANIZATION & APPROACH

All parts and schedules of the Official Plan, except Section 1, Section 3.1, Appendix “A” and Appendix “B”, constitute the Official Plan for the Municipality of North Middlesex. The Official Plan is organized into ten sections and two appendices:

**Section 1:** *Introduction*, contains the purpose of the Plan and the context, approach and basis on which it was prepared, and does not form part of the Plan.

**Section 2:** *Interpretation*, indicates how the policies and schedules are to be interpreted.

**Section 3:** *Goals and Objectives*, describes the long-term objectives for the Municipality, based on the strategic directions from the Municipal Strategic Plan. The goals and objectives of this Section apply to the Municipality as a whole.

**Section 4:** *General Policies*, provides general policies that apply to the Municipality as a whole, rather than any one land use designation.

**Section 5:** *Settlement Area Policies*, provides detailed policies related to the organization and land uses of the Settlement Areas in the Municipality.

**Section 6:** *Rural Area Policies*, provides detailed policies related to the land uses in the rural area of the Municipality.

**Section 7:** *Environmental Policies*, provides detailed natural environment and open space policies.

**Section 8:** *Infrastructure Policies*, provides policies regarding networks, corridors and facilities that can be generally described as physical infrastructure. This Section discusses the water and sanitary sewage systems, the transportation networks, as well as other networks, corridors and facilities that help define the Municipality’s physical structure.

**Section 9:** *Implementation*, describes the mechanisms and processes to implement the policies in Sections 3, 4, 5, 6, 7 and 8.

**Section 10:** *Schedules*, contains the maps/schedules that are described in the policies and enhance an understanding of the Plan.

**Appendix A:** *Definitions*, provides some terms used in the policies of the Plan.



*Appendix B: Subwatershed Areas*, provides a map delineating the subwatershed areas referenced in Section 7 of the policies of the Plan.



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A. APPENDIX "A" - DEFINITIONS

**Active Gravel or Quarry Operation:**

means licensed sites within that part of the Municipality designated under the *Aggregate Resources Act*, existing extraction areas the Municipality, and sites under Aggregate Permit on Crown Land in the Municipality.

**Adjacent Lands:**

means lands contiguous to a specific feature or area designated or otherwise noted by this Plan, where development or site alteration could have a negative impact on the feature or area. The extent of adjacent lands relating to Natural Heritage Features are identified in policy in Section 4.2 of this Plan.

**Adult Entertainment Uses:**

means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods, including books, magazines, pictures, slides, film, phonograph records, pre-recorded magnetic tape and any other reading, viewing or listening matter, or services including activities, facilities, performances, exhibitions, viewings and encounters, the principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other work or any picture, symbol or representation having like meaning or implication is used in any advertisement.

**Adverse Effects:**

mean one or more of the following:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for use;
- g) loss of enjoyment of normal use of property; and



- h) interference with normal conduct of business.

**Affordable:**

- a) means in the case of ownership housing, the least expense of:
- housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
  - housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) means in the case of rental housing, the least expensive of:
- a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
  - a unit for which the rent is at or below the average market rent of a unit in the regional market area.

**Agricultural Uses:**

means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture-Related Uses:**

means those farm related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Areas of Natural and Scientific Interest (ANSI):**

mean areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education.

**Archaeological Resources:**

Includes artefacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon



archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Bed and Breakfast Establishment:**

means a single detached dwelling in which guest bedrooms are provided for gain as temporary accommodation on a daily basis. The proprietor of such an establishment lives on the premises.

**Brownfield Sites:**

Means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built Heritage Resources:**

Means one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.

**Comprehensive Review:**

means an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

- i) is based on a review of population and growth projections and which reflects projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
- ii) utilizes opportunities to accommodate projected growth through intensification and redevelopment;
- iii) confirms that the lands to be developed do not comprise specialty crop areas;
- iv) is integrated with planning for infrastructure and public service facilities; and
- v) considers cross-jurisdictional issues.



**Consent:**

means a legal permission, generally given by the Committee of Adjustment, to create new parcels of land.

**Conservation Authority:**

means the Ausable Bayfield Conservation Authority.

**Conserved:**

Means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

**Corridors:**

mean the naturally vegetated or potentially re-vegetated areas that link or border natural areas and provide ecological functions such as habitat, passage, hydrological flow, connection or buffering from adjacent impacts. They can occur across or along uplands, lowlands or slopes. Ravine, valley, river and stream corridors are further defined as landform depressions, usually with water flowing through or standing in them for some period of the year. Ravine and valley corridors may be defined locally by considerations such as their natural features or functions, minimum setbacks from the crest of slope, top of ravine or valley bank or top of projected stable slope.

**Cultural heritage landscape:**

Means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value.

**Deposits of Mineral Aggregate:**

means an area of identified mineral aggregates that has a sufficient quantity and quality to warrant present or future extraction.



**Deposits of Petroleum Resources:**

means oil, gas or brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation and may include sites of former operations where resources are still present.

**Designated and available:**

for the purposes of this official plan, means lands designated for residential use.

**Development:**

means the creation of a new lot, a change in land use, or the construction of buildings and/or structures, requiring approval under the *Planning Act*; but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the *Drainage Act*.

**Ecological Function:**

means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Ecosystem:**

means systems of plants, animals and micro-organisms, together with the non-living components of their environment, related ecological processes and humans.

**Employment Area:**

Means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities

**Endangered Species:**

means a species that is listed as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.



**Environmental Assessment Process:**

means a process for authorization of an undertaking under legislation such as the *Environmental Assessment Act*, and *Ontario Energy Board Act*.

**Environmentally Significant Areas (ESAs)**

mean land or water areas that contain distinctive or unusual features, perform a key ecological function and/or provide habitat for significant plant and/or animal species.

**Environmental Impact Study (EIS):**

means a study prepared in accordance with established procedures, to identify and assess the impacts of development on a specified feature or system.

**Erosion Hazards:**

mean the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using the 100-year erosion rate (the average annual rate of recession extended over a 100-year time span), an allowance for slope stability and an erosion allowance.

**Estate Residential Development:**

means residential development on large lots (0.3 ha or greater) outside of established Settlement Areas.

**Farm Lands:**

mean only those lands which are evaluated as having a potential for farming due either to their containing Prime Agricultural Soils, or to their accommodating, or having accommodated, well-established farm uses.

**Farm Operation:**

means the composite of all parcels operated as a farm.

**Farmer:**

means a person who owns and/or operates a farm in North Middlesex.

**Fill Line:**

means a line intended to generally identify hazard lands such as steep slopes, areas susceptible to flooding and areas of unstable or organic soils. Fill lines are defined using the approved fill line mapping criteria established by the Ausable Bayfield Conservation Authority having



jurisdiction. Lands contained within registered fill lines are subject to the fill regulations of the Ausable Bayfield Conservation Authority.

**Fill, construction and alteration to waterways regulation:**

means a regulation passed pursuant to Section 28 of the *Conservation Authorities Act*, R.S.O. 1990 or its successors, whereby a Conservation Authority may, among other matters, regulate:

- a) the straightening, changing, diverting, or interfering in any way with the existing channel of a river, creek, stream or watercourse;
- b) the construction of any building or structure in or on a pond or swamp or in any area subject to flooding: and
- c) the placing or dumping of fill of any kind in any defined part of the area over which the Conservation Authority has jurisdiction in which, in the opinion of the Conservation Authority, the control of flooding or pollution or the conservation of land may be affected.

**Fish:**

means fish, which as defined in S. 2 of the *Fisheries Act*, c. F-14, as amended, includes fish, shellfish, crustaceans and marine animals at all stages of their life cycles.

**Fish Habitat:**

As defined, in the *Fisheries Act*, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

**Flood Fringe:**

means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

**Flood Plain:**

means the area, usually low lands, adjoining a watercourse, which has been or may be subject to flooding hazards.

**Flooding Hazard:**

means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water.



- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the 100 year flood level plus an allowance for wave uprush and other water related hazards.
- b) Along river and stream systems, the flooding hazard limit is the greater of:
  1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area:
  2. the one hundred year flood; or
  4. a flood which is greater than 1) or 2) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources; except where the use of the one hundred year flood or actually experienced event as the standard for a specific watershed has been approved by the Minister of Natural Resources (where the past history of flooding supports the lowering of the standard).

**Floodproofing Standard:**

Means the combination of measures incorporated into the basic design and/or construction of buildings, structures or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards.

**Floodway:**

Means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire contiguous flood plain.

Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.



**Functions:**

mean, in regard to natural features and functions, the natural processes, products or services that species and non-living environments provide or perform within or between ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Groundwater:**

means sub-surface water, or water stored in the pores, cracks and crevices in the ground below the water table.

**Groundwater Feature:**

means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Groundwater Recharge Area:**

means an area in which there is significant addition of water by natural processes to groundwater.

**Hazard Lands:**

means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes-St. Lawrence River System, this means the land including that covered by water, between the international boundary, where applicable and the furthest landward limit of the flooding, erosion or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding, erosion or dynamic beach hazard limits. Along river and stream systems, this means the land, including that covered by water, to the organic soils or unstable bedrock (karst topography).

**Hazardous sites:**

Means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays (leda), organic soils) or unstable bedrock (karst topography).

**Head-water:**

means the source area of a stream.



**Heritage Attributes:**

Means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

**Home Occupation:**

means a permitted commercial use which is carried out in a residential dwelling or a permitted and approved non-obnoxious trade, business or manufacturing use which is carried out in an accessory structure, but which is not the main use of the property.

**Hydrology:**

the study of surface water.

**Hydrogeology:**

the study of ground water.

**Individual on-site systems:**

mean individual autonomous water supply and/or sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than one residential units/lots.

**Infrastructure:**

means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water works, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

**Institutional Uses:**

Means those uses, associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, the physically challenged, or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

**Intensification:**

means the development of a property or site at a higher density than currently exists through:



- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development;
- d) the expansion or conversion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

**Legally Existing:**

means a use legally existing on the date of Council adoption of this Plan.

**Legally Existing Pits and Quarries:**

mean:

- a) lands under licence or permit, other than wayside pits and quarries, issued in accordance with the *Aggregates Resources Act*, or successors thereto; and
- b) for lands not under licence or permit, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation.

**Mineral Aggregate Resources:**

means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

**Minimum Distance Separation Formulae:**

means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Municipal Sewage Services:**

Means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned and operated by a municipality.



**Municipal Water Services:**

Means a municipal drinking water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

**Natural Heritage Features and Areas:**

means features and areas, such as significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant portions of the habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural Heritage System:**

Means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Negative Impacts:**

means:

- a) in regard to water, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act* using the guiding principle of no net loss of productive capacity; and
- c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

**Normal Farm Practices:**

means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use



of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

**On-Farm Secondary Business:**

means a gainful occupation conducted in whole or in part in an accessory building (shed or farm building) by a member of the farm family, with support of up to three non-farm family members.

**One Hundred Year Erosion Limits: (for lands adjacent to ravines, river valleys and streams)**

mean the approved standards involving the combined influence of stable slope, 100 times the average annual recession rate, and an erosion allowance to define the erosion limits for regulatory purposes.

**One Hundred Year Flood:**

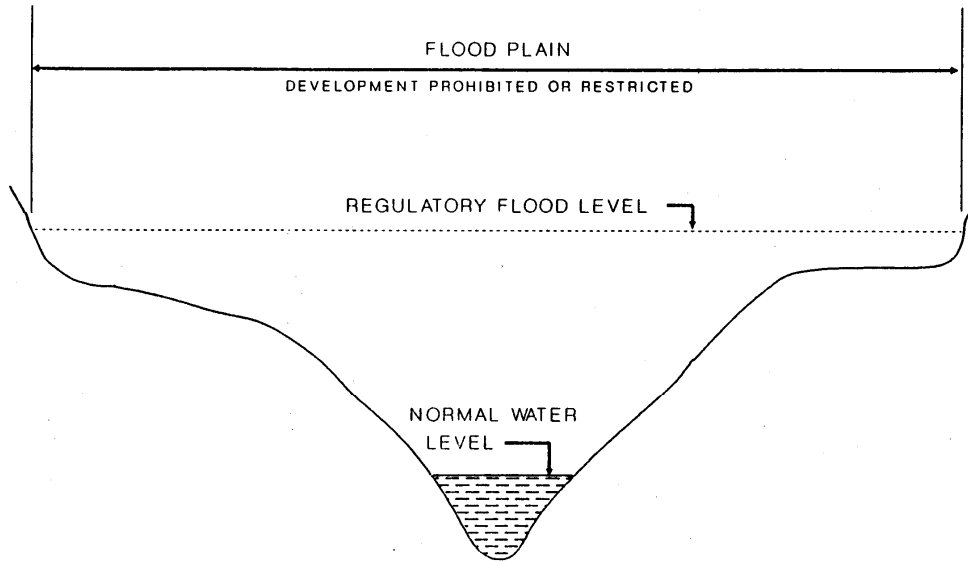
means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One Zone Concept:**

means the approach whereby the entire flood plain, as defined by the regulatory flood, is treated as one unit, and all development is prohibited or restricted, as illustrated in the following figure:



## ONE ZONE CONCEPT



### Partial Services:

mean:

- a) municipal sewage services or private communal sewage services and individual on-site water services; or
- b) municipal water services or private communal water services and individual on-site sewage services.

### Petroleum Resource Operations:

mean oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

### Petroleum Resources:

mean oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

### Portable Asphalt Plant:

means a facility



- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable Concrete Plant:**

means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Potential Mineral and Petroleum Resources:**

Mean areas favourable to the discovery of deposits of mineral or petroleum resources due to favourable geology, the presence of known deposits or other technical evidence.

**Prime Agricultural Area:**

means areas where prime agricultural land predominates. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime Agricultural Land:**

means land that includes specialty crop lands and/or Canada Land Inventory Classes 1, 2 and 3 agricultural soils, in this order of priority for protection.

**Protected Heritage Property:**

means real property designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or



level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss

### **Public Lands:**

mean lands owned by a public body, but does not include Crown lands or "public lands" as defined in the *Public Lands Act*.

### **Redevelopment:**

means the creation of new units, uses or lots on previously developed land in existing communities including brownfield sites.

### **Regional Market Area:**

Refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

### **Regulatory flood (for riverine flood plains):**

means the flood standard of the Conservation Authority which is used to define flood plain limits for regulatory purposes. In the case of the Ausable Bayfield Conservation Authority, the Hurricane Hazel Storm Event is used.

The one hundred year flood is the minimum acceptable regulatory flood standard. For those watersheds with a regulatory flood standard greater than the minimum acceptable, the Minister of Natural Resources may change the standard, in accordance with established procedures, provided that a significant majority of Conservation Authority exists. The lowering of the existing regulatory flood standard will not be considered where the past history of flooding reveals that a higher level is more appropriate.

Where flooding is experienced in excess of the existing regulatory flood standard, the Minister of Natural Resources may require the regulatory flood standard to be modified to reflect the observed flood event.

### **Regulatory Flood Datum:**

means the elevation used to define the flood plain limits for regulatory purposes. In North Middlesex, the Hurricane Hazel Storm (1954) centred event is used for regulatory purposes.



**Rehabilitate:**

means, after extraction, to treat land so that the use or condition of the land is restored to its former use or condition, or is changed to another use or condition in accordance with applicable legislation. With respect to degraded natural environments, means a combination of appropriate and acceptable structural and non-structural works which are intended to reduce damages, plus an allowance to address slope and unstable slope related conditions.

**Residential Intensification:**

means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

**Settlement Areas**

mean urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in the Official Plan for development over the long term planning horizon. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

**Settlement Capability Study:**

means a comprehensive study of a community to identify the suitability of the area to safely accommodate future growth and development in the absence of full municipal services, and to establish a technical foundation on which to base a secondary plan and/or evaluate applications for development. The study must address the servicing hierarchy as set out in



this Plan by assessing the feasibility of full or communal services and, if proven to be unfeasible, assessing the feasibility of proceeding on private services. The recommendations must be approved by the Ministry of the Environment.

**Sewage and Water Systems:**

**a) *Full municipal sewage and water services:***

mean piped sewage and water services that are connected to a centralized water and waste water treatment facility.

**b) *Public communal services:***

mean sewage works and sewage systems, and water works that provide for the distribution, collection or treatment of sewage or water but which:

- i) are not connected to full municipal sewage and water services;
- ii) are for the common use of more than five residential units/lots; and
- iii) are owned, operated and managed by either:
  - ▶ the Municipality; or
  - ▶ a public body;
  - ▶ a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to the *Planning Act*, providing for municipal/public body assumption of the communal services in the event of default by the owner.

**Significant:**

means:

- a) in regard to areas of natural and scientific interest, an area identified as provincially significant by the Ministry of Natural Resources using evaluation procedures established by the province, as amended from time to time;
- b) in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival and/or the



recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;

- c) in regard to woodlands, those wooded areas identified as being significant in the Middlesex Natural Heritage Study (MNHS) in that they meet one or more landscape criteria;
- d) in regard to other features and areas in policy 2.1 of the Provincial Policy Statement, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a people.

Criteria for determining significance may be recommended by the Province, but municipal approaches that achieve the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site Alteration:**

means activities such as fill, grading and excavation that would change the landform and natural vegetative characteristics of a site but does not include the cultivation of land for agricultural purposes.

**Small-scale Intensification:**

means residential intensification which adds dwelling units without redevelopment and includes infill; rooming, boarding and lodging houses; and apartments in houses.

**Speciality Crop Areas:**

means areas where speciality crops such as tender fruits (peaches, grapes, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a) soils that have suitability to produce speciality crops, or lands that are subject to special climatic conditions, or a combination of both; and/or



- b) a combination of farmers skilled in the production of speciality crops, and of capital investment in related facilities and services to produce, store or process speciality crops.

**Stable Slope:**

means the angle a slope would achieve when toe erosion and/or human activities are absent.

**Sustainable:**

means activities that meet present needs without compromising the ability of future generations to meet their own needs.

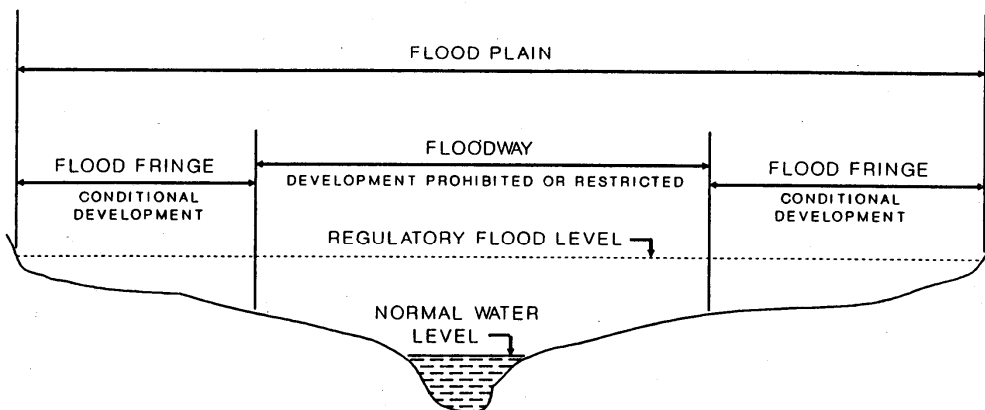
**Threatened Species:**

means a species that is listed or categorized as a “Threatened Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.

**Two Zone Concept:**

means the approach whereby certain areas of the flood plain are considered to be less hazardous than others such that development, potentially could safely occur. The flood fringe defines that portion of the flood plain where development may be permitted, subject to appropriate flood-proofing. The floodway defines that portion of the flood plain wherein development is prohibited or restricted. The following figure illustrates the two zone concept:

**TWO-ZONE FLOODWAY-FLOOD FRINGE CONCEPT**





**Waste Management System:**

means 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.

**Watershed:**

Means an area that is drained by a river and its tributaries.

**Wayside Pit or Wayside Quarry:**

means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**Wetland Functions:**

mean the biological, physical, and socio-economic interactions that occur in an environment because of the properties of the wetlands that are present, including, but not limited to:

- a) ground water recharge and discharge;
- b) flood damage reduction;
- c) shoreline stabilization;
- d) sediment trapping;
- e) nutrient retention and removal;
- f) food chain support;
- g) habitat for fish and wildlife; and
- h) attendant social and economic benefits.

**Wetlands:**

means lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.



### **Wildlife Habitat:**

means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle: and areas which are important to migratory or non-migratory species.

### **Woodlands:**

means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.