

OFFICIAL PLAN

Adopted by Council by By-law #42 of 2003 June 23, 2003

Approved by the County of Middlesex 9 March 2004

OFFICE CONSOLIDATION June 2014

Note: This document is a consolidation of the Official Plan for the Municipality of North Middlesex and subsequent modifications and amendments thereto including the five year official plan review (North Middlesex Official Plan Amendment No. 3). This compilation is for convenience and administrative purposes and does not represent true copies of the amendments it contains. Any legal interpretation of this document should be verified with the Municipality.

**MUNICIPALITY OF NORTH MIDDLESEX OFFICIAL PLAN
INDEX OF OFFICIAL PLAN AMENDMENTS**

OPA	APPLICANT	DESCRIPTION	LOCATION	ADOPTION DATE	APPROVAL DATE	STATUS
#1	Donald and Dianne McIver	To add a special provision to the Urban Reserve land use designation that will apply to a specific property to permit a consent for land severance and a medical office together with an additional rural residence.	Part Lot 25, Concession 15, geographic East Williams	30 August 2004	11 January 2005	IN EFFECT
#2	General Amendment	To add policies pertaining to the development of domestic and commercial wind energy facilities.	Entire municipality	10 September 2007	12 February 2008	REPEALED BY OPA 3
#3	General Amendment	Five year Official Plan Review	Entire municipality	26 April 2010	14 June 2011	IN EFFECT
#4	Sifton Properties Limited	To delete Section 6.4.3 and replace it with policies that would enable the development of six freehold lots by consent rather than as a condominium.	Part Lots 14 and 15, Concession 9, geographic West Williams	10 September 2010	21 December 2010	IN EFFECT
#5	1263119 Ontario Inc.	To allow the development of a proposed apartment development and to ensure that there is no net reduction in industrial lands in the former Village of Ailsa Craig or the Municipality as a whole.	Part of Lots 2, 3, 5, 8, and Lots 4, 6, 7, 10, 11, 12, 13, and 14, Registered Plan No. 183 (c), geographic Village of Ailsa Craig	16 May 2011	30 August 2011	IN EFFECT
#6	General Amendment	To implement policies with regard to the granting of surplus farm residential severances.	All areas within the plan's Agricultural Area Land Use Designations with the exception of the Resource Extraction Area Land Use Designation.	2 August 2011	11 October 2011	IN EFFECT
#7	ABCA	To change the land use designation of certain lands in the Municipality of North Middlesex in the ownership of the Ausable Bayfield Conservation Authority to allow for their disposal through land severances.	Part Lots 1, 2, 3, Concession 5 ECR, Part Lots 2, 3, 4, 5, Concession 5 WCR, geographic McGillivray Township.	2 December 2013	11 March 2014	IN EFFECT

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OPA	APPLICANT	DESCRIPTION	LOCATION	ADOPTION DATE	APPROVAL DATE	STATUS
#8	Madelyn Stewart Estate	To permit the severance of two existing dwellings located on a parcel of land currently containing three dwellings through site-specific policy.	Lot 9, Concession 4, geographic Township of East Williams	15 January 2014	13 May 2014	IN EFFECT
#9	Benjamin and Katie Wright	To change the designation of certain lands from Residential Area to Urban Reserve Area to allow for the development of one single detached dwelling and to reduce the northerly extent of the Ailsa Craig Urban Settlement Area	Part of Lot 26, Concession 5 ECR, geographic Township of McGillivray, formerly Village of Ailsa Craig	19 November 2014	27 January 2015	IN EFFECT

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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 Town of Lambton Shores within Lambton County, to the south by the Township of Middlesex Centre and to the east by the Municipality 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 approved by Council on 23 June 2003 and adopted 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,
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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.

2.0 INTERPRETATION

The Municipality of North Middlesex Council, appointed Committees, and Municipal staff shall be responsible for interpreting all aspects of the Plan. Where policies may reference specific issues of significance to the County or the Province, the interpretation of this Plan will be conducted in conjunction with Middlesex County. As the sections of the Plan are interrelated, the Plan shall be read and interpreted in its entirety. The following policies shall relate to the interpretation of the Official Plan.

- a) The boundaries between land uses designated on Schedule “A” are approximate except where they coincide with roads, rivers or other clearly defined physical features.
- b) Boundaries of Natural Heritage Features on Schedule “C” may be further refined through an Environmental Impact Study (EIS). Where the general intent of the Plan is maintained, minor adjustments to boundaries will not necessitate an amendment to this Plan.
- c) Any reference to numerical values such as quantity, area, density, or population shall be considered as approximate only and not absolute. Minor changes shall not necessitate an amendment to this Plan.
- d) In the case of a discrepancy between the policies in the text and related schedule, the policies in the text shall take precedence.
- e) Wherever a use is permitted in a designated area, it is intended that uses, buildings or structures normally incidental, accessory and/or essential to that use shall also be permitted.
- f) Municipal services and utilities shall be permitted in any land use designation.
- g) Where any Act or portion thereof is referenced in this Plan, it is intended that such references should be interpreted to include any subsequent legislation that may amend or replace the specific statute.
- h) The effect of this Plan is such that no municipal public works shall be undertaken, and no municipal by-law passed for any purpose, that does not conform to and comply with this Plan.
- i) Public works undertaken by all other levels of government or public agencies, including the Government of Canada, the Province of Ontario and the County of Middlesex, shall also be

required to conform to this Plan, except where exempted under specific Federal or Provincial legislation.

- j) 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.
- k) This Plan is required to conform to the Middlesex County Official Plan, and upon approval of this Plan is deemed to conform. The County Official Plan establishes matters that are to be considered within this Plan. Whereas the County Official Plan contains broad policies involving County responsibilities and Provincial interests, this Plan is intended to address local issues, unique characteristics and the special strategic goals and objectives of the Municipality of North Middlesex.
- l) Sections 2 through 10 and Schedules 'A', 'A1', 'A2', 'A3', 'B', 'B1', 'B2', 'B3' and 'C' are considered to be operative components of this Plan. Section 3.1, Municipal Mission Statement, may be updated without an amendment to this Plan.
- m) The definitions assist in understanding the policies. The definitions provided in Appendix "A" do not form part of this Plan.
- n) The text and map provided in Appendix "B" assist in understanding of the Watershed Management Policies of this Plan. Appendix "B" does not form part of this Plan.

3.0 GOALS & OBJECTIVES

3.1 MUNICIPAL MISSION STATEMENT

Council adopted a Strategic Plan including a Municipal Mission Statement. This statement is worded as follows:

The Municipality of North Middlesex is a dynamic community committed to capitalizing on our strong rural and urban assets by embracing our opportunities to build a healthy and sustainable future through:

- *Enhancing agriculture and economic development;*
- *Enriching community services;*
- *Conserving the natural environment.*

The Mission Statement, along with additional sections from the Municipal Strategic Plan, has assisted in establishing the goals and objectives of the Official Plan. The Mission Statement and elements of the Strategic Plan may be updated and altered by the Municipality without amendment to the Official Plan under the *Planning Act*.

3.2 GOALS OF THE OFFICIAL PLAN

The goals of the Official Plan form the basis for the detailed policies. The goals of the Official Plan are:

- To create a planning framework that promotes a flexible and adaptable economic environment to encourage investment and a broad range of employment opportunities, protects the dominance of the agricultural industry, and protects other rural resources;
- To promote the health and well-being of the Municipality and its residents through the planning and development of strong, efficient and healthy communities and associated services; and
- To enhance and protect the quality of the natural and built environment, while providing for the changing needs of the community.

3.3 OBJECTIVES OF THE OFFICIAL PLAN

3.3.1 Growth Management Objectives

- a) Identify distinct Urban, Community and Hamlet Settlement Areas that will be the focus of the existing and future growth and development.
- b) Strongly preclude all forms of non-farm residential growth outside of the established Urban, Community and Hamlet Settlement Areas.
- c) Limit growth and development within the Hamlet Settlement Areas, providing for the focus of growth in the Urban and Community Settlement Areas.
- d) Protect the rural area as the principal focus of resource related activities, including, but not limited to, agriculture, resource extraction, and environmental protection and appreciation.
- e) Utilize policies and regulations relating to the type, density or phasing of a use so as to not cause undue financial or other hardships to the Municipality.
- f) Provide adequate and efficient water supply and distribution, sanitary sewage collection and treatment, stormwater management and solid waste disposal systems.
- g) Require that all new development in the Urban and Community Settlement Areas occur on full municipal services to ensure the maintenance of the health of the community and the natural environment.
- h) Ensure development locates where municipal services exist or where they can logically and economically be extended.
- i) Utilize the provisions of the *Development Charges Act* to reduce growth related capital costs borne by the existing residents of the Municipality.
- j) Regulate the establishment of municipal waste disposal or transfer facilities, and ensure that appropriate studies are undertaken in accordance with the *Environmental Assessment Act* and the *Environmental Protection Act*.

3.3.2 Economic Development Objectives

- a) Ensure the continued economic strength of agriculture in North Middlesex.
- b) Foster tourism potential through the protection and augmentation of the Municipality's unique characteristics.

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- c) Encourage visitors to come to and stop in the Municipality by providing for appropriate uses that may attract and promote tourism.
 - d) Promote the development of new businesses and economic activities that are not currently available in the Municipality.
 - e) Encourage the expansion and diversification of industrial and commercial development in order to maximize employment opportunities.
 - f) Promote employment opportunities whose products are used by existing businesses in the Municipality.
 - g) Promote employment opportunities that utilize products from existing businesses in the Municipality.
 - h) Give priority to road and servicing improvements that improve the potential for employment-related growth and development.
 - i) Provide employment lands with access to major roads and other transportation facilities.

3.3.3 Agriculture & Rural Resource Objectives

- a) Preserve agriculture as the primary land use outside of the Settlement Areas.
- b) Recognize and preserve the rural context and agricultural heritage as a significant factor contributing to the Municipal economy.
- c) Promote the viability of farm operations, ensuring their continued economic strength, wherever possible.
- d) Promote the expansion of agricultural capacity and agriculturally-related businesses in the Municipality.
- e) Recognize aggregate, mineral and petroleum resource potential and establish a framework for the long-term use of these resources.

3.3.4 Natural Heritage Objectives

- a) Identify, protect and enhance the natural forms and functions within the Municipality.
- b) Protect Provincially significant wetlands, and significant habitats of threatened or endangered species through the prohibition of development within and in proximity to such areas.
- 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.

- d) Ensure that development proceeds in a manner that recognizes and respects lands with inherent environmental hazards such as flood susceptibility, erosion, steep slopes, or any other physical condition that could endanger human life or property.
- e) Ensure that, through redevelopment, existing and potential sources of pollution, including contaminated soil are corrected and brought into compliance with acceptable standards as established by the Ministry of the Environment or other body having competent jurisdiction.

3.3.5 Land Use Objectives

- a) Protect agricultural activities and the agricultural land base from the intrusion of incompatible uses.
- b) Reduce conflicts between existing and proposed land uses through buffering, setbacks, landscaping and other appropriate standards in the Zoning By-law.
- c) Encourage compatibility between various land uses by reducing the instances of conflicting uses, while acknowledging that the Municipality of North Middlesex particularly depends and thrives on a diversity of land uses.
- d) Guide the maintenance and growth of economic activity in the Municipality through the development of proactive and flexible land use policy for areas of economic activity.
- e) Develop land use patterns in the Urban, Community and Hamlet Settlement Areas that are compact and efficient.

3.3.6 Cultural & 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.

4.0 GENERAL POLICIES

4.1 ECONOMIC DEVELOPMENT POLICIES

4.1.1 General

Economic development is an important underlying component of the planning framework of this Plan. Agriculture has been the principal economic activity in the Municipality. The policies of this Plan promote the protection of agriculture, provide flexibility to accommodate the evolution of the agricultural industry, and encourage the diversification of the economy. The following policies relate to economic development and the diversification of the economy.

- a) This Plan envisages that agriculture will continue to be the principal economic activity in the Municipality. The Municipality will support, protect and promote agricultural activities.
- b) The Municipality will monitor the supply of employment and industrial land to ensure that a sufficient supply is available to flexibly accommodate potential future needs.
- c) Employment and industrial lands will be focussed in Urban Settlement Areas and will be located adjacent to or in close proximity to Provincial Highways and County roads.
- d) Council will co-operate with the business community to ensure that employment areas are well served by appropriate infrastructure, including municipal services, roads and modern telecommunication technologies.
- e) The Municipality will promote balanced residential, farm, commercial and industrial land bases to provide long-term stability to Municipal finances, promote growth in the tax base and to reduce the need for out-commuting.
- f) The Municipality will promote healthy and attractive communities, with a high standard of design to increase tourism interest and attract investment.
- g) In order to protect agricultural and other business operations and activities, this Plan will prohibit residential and other sensitive land uses from locating in general agricultural, industrial or business areas or adjacent to existing operations.
- h) The Municipality will promote the economic health and well-being of the Central Areas in Ailsa Craig and Parkhill. Specifically, the

Municipality will support the creation of Business Improvement Associations. Council may consider preparing Community Improvement Plans, in accordance with the policies of Section 9.4 of this Plan, for areas including the Central Areas of Ailsa Craig and Parkhill.

- i) By taking advantage of the incentive-based initiatives available from the Province, the remediation, conversion and reuse of derelict industrial and other brownfields sites in the Municipality is strongly encouraged and supported by the policies of this Plan.
- j) In order to respond to changing economic conditions, this Plan maintains a flexible land use framework, to be implemented through the Zoning By-law, to accommodate evolving land use needs.

4.1.2 Tourism Related Economic Development

This Plan encourages growth in tourism and visitation to the Municipality, particularly in the Central Areas of Ailsa Craig and Parkhill and in areas of rural amenity. The following policies tourism related policies shall apply.

- a) This Plan promotes the existing tourism and destination-oriented uses in the Municipality and encourages the establishment of additional tourism opportunities within the Urban Settlement Areas and areas of scenic quality.
- b) Tourism uses within the Central Areas of Ailsa Craig and Parkhill that encourage visitor stops will be promoted, provided such uses do not detract from the principal functions and uses of these areas.
- c) Agriculturally related and rural resource-related tourism opportunities will be encouraged.

4.1.3 Home Occupations

To promote and recognize changing lifestyles and needs of the agricultural industry, this plan promotes home occupations and on-farm secondary businesses, subject to the other policies of this Plan. The following policies apply to home occupations throughout the Municipality.

- a) Home occupations will be permitted in dwellings throughout the Municipality, subject to the other policies of this Plan and the provisions of the Zoning By-law. Bed and breakfast establishments shall be permitted in single detached dwellings in any land use designation where such a dwelling is a permitted use.
- b) A home occupation will be of a scale that is clearly accessory to the residential use.

- c) A home occupation will not generate negative traffic impacts upon a Provincial Highway or County Road corridor.
- d) Signage for home occupations will be small in scale so as to not detract from the residential character of a lot and neighbourhood.
- e) Outside storage associated with home occupations will not be permitted.
- f) Home occupations within a Settlement Area will not require alterations that interfere with the residential character of the structure. Uses that generate uncharacteristic traffic for a residential neighbourhood or would otherwise disrupt the peaceful and quiet enjoyment of other residential properties in the neighbourhood will not be permitted.
- g) The Zoning By-law and other by-laws or municipal licensing procedures may regulate home occupations.
- h) Home occupations that are comprised of a permitted and approved non-obnoxious trade, business or manufacturing use shall only be permitted in an accessory structure and shall be approved by way of Zoning By-law Amendment.

4.1.4 Brownfields Redevelopment

In the promotion of “smart growth” opportunities, it is the policy of this Plan to promote the reuse of vacant industrial and other brownfields sites within the Municipality. The following policies will relate to the redevelopment of industrial and other brownfields sites.

- a) Proposals for the redevelopment of brownfields sites will have regard to surrounding conditions, and existing land use and built form patterns.
- b) Applications to redevelop existing or previously used industrial lands and institutional lands for non-industrial purposes shall meet the requirements of Section 9.7.2 of this Plan.
- c) Where analysis indicates the likelihood of contamination, development proponents will confirm the extent of contamination and any measures necessary to clean up the site in accordance with the Ministry of the Environment standards and any requirements of the Municipality, including Section 9.7.2 of this Plan.
- d) The proponent’s professional engineer will certify the necessary remedial measures have been fully carried out and that the site is suitable for the proposed use. Prior to development, the

development proponent shall submit a Record of Site Condition to the Ministry of the Environment and the Municipality certifying that the soil and groundwater conditions at the site are suitable for the proposed development.

- e) The Municipality may undertake a Community Improvement Plan, in accordance with the policies of Section 9.4, to take advantage of the opportunities accorded under the *Planning Act* to encourage brownfields redevelopment and assist with the financial issues associated with this type of initiative.

4.1.5 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.

4.2 COMMUNITY DESIGN POLICIES

The following policies relate to the physical design of communities, and new applications for new development, including plans of subdivision, infill development proposals, and site plans within the Municipality.

- a) Through implementation of this Plan, the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development and stress a general high quality of settlement design throughout the Municipality.
- b) Through the review of development applications, including plans of subdivision, site plans and other development approvals, the Municipality will:
 - i) Ensure that new development is designed in keeping with the traditional character of the Settlement Areas, in a manner that both preserves the traditional image of the Settlement Areas and enhances the sense of place within the Municipality while maintaining the community image of existing settlement areas;
 - ii) Promote efficient and cost-effective development patterns that minimize land consumption, optimize energy efficiency, and are pedestrian oriented;

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- iii) Promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, parks;
 - iv) Encourage tree retention wherever possible and appropriate;
 - v) Strongly encourage design that considers, and wherever possible continues, existing and traditional street patterns and neighbourhood structure; and
 - vi) Request that proponents submit design guidelines with development applications, establishing how the policies of this Section have been considered and addressed. Such guidelines may also be required to address related issues of residential streetscaping, landscaping, setbacks, garage placement, and architectural treatment.
- c) Adequate measures shall be taken to ensure that the permitted uses have no adverse effects on adjacent land uses. Adequate buffer planting shall be provided between any uses where land use conflicts might be expected, and such buffer planting may include provisions for grass strips and appropriate planting of trees and shrubs, berms or fence screening.
 - d) Designs that establish reverse lotting on Municipality roads, or require features such as noise attenuation or privacy fencing, are discouraged. Wherever possible, new residences will be oriented toward streets or parks. Access to County roads will be limited and require the approval of the County of Middlesex.
 - e) This Plan encourages compatibly scaled and designed infill developments within the Central Areas of Ailsa Craig and Parkhill, which enhance the traditional character and economic viability of such centres.
 - f) A high quality of architecture and site design for institutional uses such as schools, churches and libraries is encouraged.
 - g) Streetscaping that reflects the intended character of settlement areas is encouraged. In particular, traditional streetscaping in the Central Areas of Ailsa Craig and Parkhill will be encouraged.
 - h) A high quality of park and open space design is strongly encouraged. The lands for parkland dedication will be carefully selected to facilitate their use as a central focal point to new or existing neighbourhoods. Where possible, uses should front onto parks.
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4.3 CULTURAL HERITAGE POLICIES

4.3.1 General

Conservation of the Municipality's heritage resources, including buildings, structures, monuments or artefacts of historic and/or architectural value or interest, and areas of unique, rare settlement composition, streetscape, landscape or archaeological value or interest is important. The Municipality requires the conservation of significant built heritage resources and significant cultural heritage landscapes.

In addition to conservation, the Municipality encourages the public to develop an understanding and appreciation for the historic development of the Municipality. The Municipality supports public awareness, participation and involvement in the preservation, restoration and utilization of heritage, through the implementation of the following policies.

4.3.2 Policies

It is the policy of the Municipality that:

- a) 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/archaeological assessment when development proposals affect significant cultural heritage resources or areas of archaeological potential.
- b) Council may restore, rehabilitate, enhance and maintain heritage properties owned by the Municipality in fulfilment of the heritage objectives. Where feasible, relevant by-laws, programs and public works undertaken by the Municipality should further the heritage objectives.
- c) 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 archaeologist 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

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- archaeological assessment shall be required prior to draft plan approval or prior to execution of a site plan agreement.
- d) Council will encourage the conservation and protection of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources in conditions of consent and subdivision approval and agreements.
 - e) In areas considered to be of architectural or historical value, Council will encourage the preservation of the architectural or historical building or site to be included in proposals for redevelopment, intensification or infill. 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.
 - f) Council may consider amendments to the Zoning By-law, including increased density provisions that would enable the restoration of a historical facility.
 - g) Council will encourage the preservation of significant built heritage resources and cultural heritage landscapes.
 - h) Council may utilize the *Ontario Heritage Act* to conserve, protect and enhance the cultural heritage resources of the Municipality, through the designation of individual properties, heritage conservation districts and archaeological sites.
 - i) Council may utilize any government programs available to assist in the implementation of heritage conservation policies.
 - j) Council may pass by-laws providing for the making of a grant or loan to the owner of a property designated under the *Ontario Heritage Act*, for the purpose of paying for the whole or any part of the cost of alteration of such designated property, on such terms and conditions as Council may prescribe.
 - k) Council may choose to form a Municipal Heritage Committee to prepare, publish and monitor an inventory of heritage resources within the Municipality, and generally advise on heritage matters. Should Council choose to form a Heritage Committee, the Municipality will consult its Heritage Committee on decisions to designate a property or part thereof under the *Ontario Heritage Act*.
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- l) Council may choose to maintain an inventory of the Municipality's heritage resources to be used as a guide for policy formulation. The following criteria may be used in determining the historic or architectural value of heritage resources included or proposed to be included in the inventory:
 - i) The architectural significance of any building(s) in terms of its form, massing and/or cultural relevance;
 - ii) The historical value of the site or building from a social, cultural or economic perspective;
 - iii) The integrity and present condition of the heritage resource; and
 - iv) The environmental quality (both natural and built) of the site.

- m) Council may choose to designate a heritage conservation district or districts. Council may pass a by-law defining an area to be examined for future designation as such a district, or may prepare a study for the area to determine the feasibility and appropriateness of such a designation. Such a study should be prepared in accordance with the Province's Heritage Conservation District Guidelines.

5.0 SETTLEMENT AREA POLICIES

5.1 INTRODUCTION

5.1.1 General

The structure of settlements within the Municipality of North Middlesex is based on a three-level hierarchy, established in policy by the Middlesex County Official Plan. The three levels are Urban Settlement Area, Community Settlement Area and Hamlet Settlement Area. This Plan contains seven (7) land use designations directly associated with the Settlement Areas, which are detailed in this Section. The land use designations are as follows:

- Residential Area Land Use Designation;
- Central Area Land Use Designation;
- General Commercial Area Land Use Designation;
- Employment Area Land Use Designation;
- Industrial Area Land Use Designation;
- Institutional Area Land Use Designation;
- Hamlet Settlement Area Land Use Designation;

The following classifies the 13 settlements in the Municipality.

Urban Settlement Areas	Community Settlement Areas	Hamlet Settlement Areas
<ul style="list-style-type: none"> • Ailsa Craig • Parkhill 	<ul style="list-style-type: none"> • Nairn 	<ul style="list-style-type: none"> • Brinsley • Carlisle • Clandeboye • Corbett • Greenway • Hungry Hollow • Lieury • Mount Carmel • Sylvan • West McGillivray

5.1.2 Urban Settlement Areas

There are two Urban Settlement Areas in the Municipality of North Middlesex – Parkhill and Ailsa Craig. The following policies apply to Urban Settlement Areas.

- a) All new proposed development shall be fully serviced by municipal water and municipal sewage disposal systems.
- b) Urban Settlement Areas shall have the highest concentration and intensity of land uses within the Municipality.
- c) Urban Settlement Areas shall be the focus of future growth by accommodating a significant portion of the planned growth and development over the horizon of this Plan.
- d) Schedule “A” of this Plan identifies the boundaries of the Urban Settlement Areas. As this Plan accommodates planned growth and development for a 20-year planning horizon, outward expansions of the boundaries are not anticipated. An Official Plan Amendment, subject to the policies of Section 9.6.1, shall be required to adjust the boundaries of an Urban Settlement Area.
- e) Lands within the Urban Settlement Areas are subject to multiple land use designations. The Agricultural Area, Restricted Agricultural Area, Urban Reserve Area, Hamlet Settlement Area and Resource Extraction Area land use designations shall not be permitted in the Urban Settlement Areas.
- f) Where vacant land exists between the existing urban areas and the Urban Settlement Area boundary, development will proceed in a staged and sequential manner. The pattern of roads and orientation of future development shall be in keeping with the existing urban pattern. Access to County roads shall be subject to approval by the County of Middlesex.

5.1.3 Community Settlement Areas

There is one Community Settlement Area in the Municipality of North Middlesex – Nairn. The following policies shall apply to Community Settlement Areas.

- a) An Official Plan Amendment, in accordance with Section 9.6.1 of this Plan, shall be required to redesignate a Community Settlement Area as an Urban Settlement Area. As part of the application for Official Plan Amendment, a Settlement Capability Study shall be prepared to the satisfaction of the Municipality and the County, in consultation with the Province. A Settlement Capability Study is a comprehensive study of a community to identify the suitability of the area to safely accommodate future growth and development in light the services available, and to establish a technical foundation on which to base a secondary plan and evaluate applications for development. This study must address the Settlement Area hierarchy set out in this Plan.

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- b) Community Settlement Areas are generally serviced by municipal piped water and private sewage disposal systems. However, in order to accommodate future growth, the extension of full municipal services, subject to a Class Environmental Assessment under the *Environmental Assessment Act*, shall be required. Extension of full municipal services to a Community Settlement Area shall not require an amendment to this Plan.
 - c) Community Settlement Areas are intended to serve the surrounding agricultural areas and provide an alternative living environment to the Urban Settlement Areas.
 - d) Community Settlement Areas shall provide a more limited range of land uses and services than that of the Urban Settlement Areas. The concentration and intensity of land uses is expected to be lower than in the Urban Settlement Areas.
 - e) Community Settlement Areas will accommodate a smaller portion of the projected growth and development than the Urban Settlement Areas.
 - f) Schedule “A” of this Plan identifies the boundaries of Community Settlement Areas. As this Plan accommodates planned growth and development for a 20-year planning horizon, outward expansions of the boundaries are not anticipated. An Official Plan Amendment, subject to the policies of Section 9.6.1, shall be required to adjust the boundaries of a Community Settlement Area. To support the expansion of a Community Settlement Area, a Settlement Capability Study shall be prepared to the satisfaction of the Municipality and the County, in consultation with the Province.
 - g) Lands within the Community Settlement Areas are subject to multiple land use designations. The Industrial Area, Urban Reserve Area, Agricultural Area, Restricted Agricultural Area, Hamlet Settlement Area and Resource Extraction Area land use designations shall not be permitted in the Community Settlement Areas.
 - h) Where vacant land exists between the existing urban areas and the Community Settlement Area boundary, development will proceed in a staged and sequential manner. The pattern of roads and orientation of future development shall be in keeping with the existing community pattern. Access to County roads shall be subject to approval by the County of Middlesex.
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5.1.3.1 Nairn Special Policies

In addition to the policies of Section 5.1.3 herein, the following special policies apply to the lands located south of the existing developed areas of the Community Settlement Area of Nairn:

- a) The general layout of land uses within the lands located south of the existing developed areas of Nairn shall be as set out in “Schedule A3-1 Nairn Development concept”,
- b) A Hazard Lands/Open Space corridor shall be retained within the floodplain of the Ausable River,
- c) Consideration shall be given to the possible southerly expansion of the existing community park,
- d) Provision shall be made for a community trail system within the Hazard Lands/Open Space area,
- e) As an alternative to residential use, the northwesterly corner of Middlesex County Roads 17 and 19 may be developed as a commercial site,
- f) The new local street system shall be connected to the stub ends of Alma Street and Hawthorne Street,
- g) Provision shall be made for one or two new local street intersections with Petty Street (County Road 19) with a minimum 250 metre spacing,
- h) There shall be no direct property access to County Roads 17 and 19 except for commercial use. Residential lots will reverse or flank onto the County roads,
- i) New dwellings shall meet the Minimum Distance Separation (MDS I) requirements,
- j) Lot sizes and dwelling unit sizes shall be varied to provide for a range of housing needs and income levels. In keeping with the character of the existing hamlet, all dwellings shall be single detached dwellings,
- k) All development within the expansion area shall be on full municipal services (sanitary sewers, water, storm sewers),
- l) Stormwater facilities shall be designed to protect the quality of the Ausable River. Where feasible, the design should allow for the diversion of stormwater flows from the existing developed area of Nairn into the new system flowing to the Ausable River,

- m) Where Schedule A3-1 indicates “possible” land uses (i.e., park expansion, commercial site) the determination of the use of the lands for those purposes or for residential purposes will be made at the plan of subdivision stage,
- n) Development shall be phased such that the first phase of development shall be a logical southerly extension of the built fabric of the existing developed area adjacent to the end of Alma Street, the community park and the valley lands of the Ausable River, but will all new dwellings being outside of the MDS arc of any operating livestock barn.

5.1.4 Hamlet Settlement Areas

There are ten Hamlet Settlement Areas in the Municipality of North Middlesex – Brinsley, Carlisle, Clandeboye, Corbett, Greenway, Hungry Hollow, Lieury, Mount Carmel, Sylvan, West McGillivray. The following policies apply to the Hamlet Settlement Areas.

- a) Notwithstanding that partial services are generally discouraged by the Provincial Policy Statement, Hamlet Settlement Areas are generally serviced by municipal piped water and private sewage disposal systems. The provision of a municipal sewage disposal system in any Hamlet Settlement Area is not anticipated by this Plan.
- b) Hamlet Settlement Areas are rural settlements that are intended to function as small dormitory clusters providing very limited commercial, institutional and recreational services to the surrounding agricultural areas. Expansion of these uses is not anticipated by this Plan.
- c) Hamlet Settlement Areas shall continue to provide a very limited range of land uses and services and may accommodate a very limited amount of the anticipated residential growth and development within the horizon of this Plan. Additional residential growth may only occur through infilling or minor rounding-out of the existing hamlet settlement pattern.
- d) Schedule “A” of this Plan designates the Hamlet Settlement Areas as Hamlet Settlement Area Land Use Designation. No new outward expansion of the existing Hamlet Settlement Areas will be permitted. Notwithstanding the general nature of the locations of the Hamlet Settlement Area Land Use Designation, an Official Plan Amendment, subject to the policies of Section 9.6.1, shall be required to expand the boundaries of a Hamlet Settlement Area to accommodate proposals not addressed through the policies of Section 5.1.4.c. To support the expansion of a Hamlet Settlement

Area, a Settlement Capability Study shall be prepared to the satisfaction of the Municipality and the County, in consultation with the Province.

- e) Approval for the development of new lots above the development of five (5) new lots within or expanding an existing Hamlet Settlement Area from the date of approval of this Plan shall be supported by a Settlement Capability Study. The Settlement Capability Study shall be prepared to the satisfaction of the Municipality and the County, in consultation with the Province.

5.2 RESIDENTIAL AREA LAND USE DESIGNATION

Lands designated Residential Area on Schedule “A” to this Plan and found in the Urban and Community Settlement Areas shall be subject the following policies.

5.2.1 Permitted Uses

The following policies relate to the uses permitted on lands designated Residential Area Land Use Designation on Schedule “A”.

- a) The predominant use of land in the Residential Area Land Use Designation shall be a variety of dwelling types, including single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings not exceeding two-and-a-half (2.5) storeys in height and two (2) dwelling units per property.
- b) While not the predominant use, medium density residential uses shall be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments and similar medium profile residential buildings not exceeding four (4) storeys in height.
- c) Residential development in forms and densities greater than that described in Subsections a) and b) are discouraged. Proposed residential developments at densities higher than prescribed by this Plan shall be subject to the policies of Section 5.2.2.
- d) An accessory residential dwelling unit, “granny flat” or garden suite shall be permitted on a residential lot, subject to the policies of Section 5.2.3 of this Plan.
- e) Local places of worship, elementary schools, parkettes/tot lots and parks shall be permitted.
- f) Senior citizens' homes or similar housing facilities for senior citizens including nursing homes shall be permitted and may be developed in accordance with the policies of Section 5.2.2.c.

- g) A home occupation in a dwelling shall be permitted, provided the use does not change the residential character of the building and lot, and residential remains the principal use and no accessory dwelling unit or “granny flat”/garden suite exists. The use shall be compatible with the surrounding residential uses. Parking associated with the use shall be provided in accordance with the Zoning By-law.
- h) Mobile homes and mobile home parks shall be discouraged.
- i) Group homes, hostels, temporary shelters, emergency shelters and other similar forms of special needs housing shall be permitted, subject to the policies of Section 5.2.4.c.
- j) Correctional group homes and similar uses licensed under the *Ministry of Correctional Services Act* and the *Charitable Institutions Act* shall not be permitted in the Residential Area Land Use Designation.
- k) Uses accessory to any of the permitted uses in the Residential Area Land Use Designation are permitted. The accessory uses shall be defined in the Zoning By-law.
- l) The specific uses permitted shall be established in the Zoning By-law.

5.2.2 Residential Density & Locational Requirements

The appropriate residential density shall be based on the availability of services, compatibility with surrounding uses and locational factors. The following policies relate to residential density requirements.

- a) The maximum density within a low density residential area or the low density residential portion of a development shall not exceed 25 dwelling units per gross hectare.
- b) The maximum density within medium density residential development shall not exceed 40 dwelling units per gross hectare.
- c) New medium density residential development shall be subject to site plan control, in accordance with Section 9.6.6 of this Plan.
- d) New medium density residential developments and other uses that are similar in terms of profile, shall meet the following criteria:
 - i) The density, height and character of the development shall have regard to adjacent uses;
 - ii) The height and massing of the buildings at the edge of the medium density residential development shall have regard to

the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate buffer;

- iii) Subject to approval by the County of Middlesex, the development will be encouraged to have direct access to a County arterial or collector road, where possible and appropriate;
- iv) The water mains and sanitary sewers shall be capable of accommodating the development, or the proponent has committed to extend services at no expense to the Municipality;
- v) The development is adequately serviced by parks and school facilities;
- vi) In developments incorporating walk-up apartments, block townhouse dwellings and medium-profile residential buildings, on-site recreational facilities or amenities such as playground equipment may be required to service the development;
- vii) The development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized; and
- viii) Except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows, and the adequacy of water and sewer services shall be prepared by the proponent and approved by the Municipality, and in the case of lands adjacent to a County Road, the County of Middlesex shall also approve the road network report.

5.2.3 Accessory Residential Dwellings, “Granny Flats” or Garden Suites

The following policies shall apply to the development of accessory residential dwelling units, “granny flats” or garden suites in the Residential Area Land Use Designation.

- a) Accessory residential dwelling units shall be defined as separate and complete dwelling units that are contained within the structure of a single detached residential dwelling. “Granny flats” or garden suites shall also be considered accessory residential dwellings, save and expect for that a “granny flat” or garden suite shall be a small independent building, physically separate from the principal dwelling unit with which it is associated.

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- b) A maximum of one (1) accessory residential dwelling unit per lot shall be permitted.
 - c) The proposed unit shall have regard to the type of housing found in the surrounding residential neighbourhood. Standards to ensure compatibility with the surrounding neighbourhood shall be provided in the Zoning By-law.
 - d) Full municipal services will be required for the development of an accessory residential dwelling unit or “granny flat” or garden suite.
 - e) Council may deem accessory residential dwelling units to be subject to site plan control in accordance with Section 9.5.6 of this Plan.
 - f) Development of “granny flats” or garden suites shall be subject to the following criteria:
 - i) The exterior design of any proposed unit in terms of height, massing, scale and layout shall be consistent with the present land uses in the area; and
 - ii) The siting of the unit and any related features shall have a minimal effect on light, view and privacy of adjacent yards.
 - g) “Granny flats” or garden suites shall be permitted by way of Temporary Use By-law, in accordance with Section 9.3.3 of this Plan.
 - h) Development of accessory dwelling units within the principal building shall be subject to the following criteria:
 - i) The structural stability of the building to accommodate alterations for an additional dwelling unit;
 - ii) Exterior changes to the structure will be minimal;
 - iii) Compliance with the provisions of the Ontario Building Code, Fire Code and all other relevant municipal and Provincial standards;
 - iv) The accessory residential unit is incidental to the permitted residential use, is located within the existing main building and does not exceed one-third of the total habitable floor space.
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5.2.4 Residential Area Policies

The following policies shall apply to lands designation Residential Area:

- a) Plans of subdivision shall be the preferred method of residential lot creation. Notwithstanding this, infill lots fronting onto an existing public road may be created by way of consent. Lot creation shall be governed by the policies of Sections 9.6.4 and 9.6.5.
- b) Uses within the Residential Area Land Use Designation shall be required to develop on the basis of full municipal services, including but not necessarily limited to, municipal sewer, water and stormwater services.
- c) When reviewing any proposal for the purposes of establishing, through new construction or conversion of existing structures, a group home, hostel, temporary shelter, emergency shelter or other similar form of special needs shelter, Council shall be satisfied that:
 - i) The traffic generated from the facility can be adequately accommodated by the road network and will not have a significant impact on adjacent sensitive land uses, particularly residential uses;
 - ii) The facility is of a design which maintains the scale, density, appearance, character and continuity of existing land uses in the surrounding area;
 - iii) The land, buildings or structures for the proposed facility conform to the provision of the Zoning By-law, including those related to parking requirements, ensuring that on-site parking is sufficient to meet the needs of residents, support staff and visitors; and
 - iv) Where appropriate, that a licence has been granted by the licensing Provincial Ministry.

5.2.5 General Housing Policies

The Urban and Community Settlement Areas shall provide the mix and range of residential lot sizes and unit sizes required to satisfy the varied needs of the Municipality's existing and future residents. To achieve this, the Municipality encourages, in co-operation with all levels of government and the private sector, the provision of high quality new housing and the rehabilitation of the existing housing stock. The Municipality will attempt to ensure that residents receive the maximum possible benefit offered in existing and future Municipal, Provincial and Federal housing assistance programs.

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.

It is the policy of the Municipality that:

- a) 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.
- b) Council may review the demand for moderate to low income housing by consulting with organizations that work with these target groups in the community.
- c) Wherever possible, Council encourages homes for the aged and senior citizen accommodations to be located in proximity to retail, personal service and community facilities.
- d) Subject to the Land Use Policies of this Plan, Council supports policies for the establishment of group homes, for specialized or group care of people who, by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well being under responsible supervision.
- e) Group homes shall not be concentrated and shall be generally located throughout the Municipality. The spatial location, number, type and size of the group homes shall be controlled so as to ensure that they are compatible with adjacent uses. To achieve this, a minimum distance separation between group homes shall be established within the Zoning By-law. Correctional group homes

and similar uses licensed under the *Ministry of Correctional Services Act* and the *Charitable Institutions Act* shall be treated as an institutional use.

- f) 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.
- g) Council will encourage the development of land by government bodies for residential purposes, subject to the appropriate policies contained in this Plan.
- h) Council will discourage the conversion of rental housing stock to freehold, if such a conversion results in a reduction in the amount of rental housing available to an unacceptable level.
- i) Council will prevent the introduction of new non-farm residential development outside of the Settlement Areas.

5.3 CENTRAL AREA LAND USE DESIGNATION

The Central Area Land Use Designation applies to the lands adjacent to the Ailsa Craig Main Street, Parkhill Main Street and a portion of Parkhill King Street. These areas will continue to be multi-functional in nature, and will contain retail, office, entertainment, government and residential uses. Central Areas are planned to function as “main streets” that provide daily and weekly convenience and general retail and service needs for the Municipality. The Central Areas will be pedestrian-oriented, catering to family, tourist and business needs. Lands designated Central Area on Schedule “A” shall be subject the following policies.

5.3.1 Permitted Uses

The uses permitted on lands designated Central Area on Schedule “A” are as follows.

- a) The primary permitted uses in the Central Area Land Use Designation shall include commercial uses, including general retail, personal services and offices.
- b) Restaurants, hotels, motels, recreational and entertainment uses shall be permitted. Adult entertainment uses shall not be permitted in the Central Area Land Use Designation.

- c) Residential uses that do not negatively impact the commercial focus of the area shall be permitted, subject to the following provisions:
 - i) In a building of commercial character, residential uses shall only be permitted above the ground floor.
 - ii) In a building of residential character (either single detached or multiple dwelling), residential or commercial uses shall be permitted, provided the residential character of the building is maintained.
- d) Civic and public uses including government offices and functions, schools, churches, libraries, community centres and parks and open space shall be permitted.
- e) Uses accessory to any of the permitted uses in the Central Area Land Use Designation are permitted. The accessory uses shall be defined in the Zoning By-law.
- f) The specific uses permitted shall be established in the Zoning By-law.

5.3.2 Policies

The following policies shall apply to those lands designated Central Area.

- a) The Central Area Land Use Designation applies to the Ailsa Craig Main Street, Parkhill Main Street and a portion of Parkhill King Street. This Plan does not contemplate the application of this Land Use Designation elsewhere in the Municipality. Applications for expansion or enlargement in the locations where this designation is found are subject to an Official Plan Amendment and the policies of Section 9.6.1 of this Plan.
- b) The height, massing and layout of buildings within the Central Area Land Use Designation shall be oriented to a pedestrian scale.
- c) The density of commercial buildings or mixed commercial-residential buildings on any lot shall not exceed two-and-a-half (2.5) times the lot area.
- d) The net residential density of residential buildings shall not exceed 40 dwelling units per gross hectare.
- e) The site plan control policies of this Plan shall apply to all development applications within the Central Area Land Use Designation.

- f) Adequate off-street parking and loading spaces shall be provided in accordance with the Zoning By-law. As an alternative to providing on-site parking, the Municipality may accept a cash-in-lieu of parking payment to improve parking conditions in the areas of Ailsa Craig Main Street, Parkhill Main Street and Parkhill King Street.
- g) Infilling and intensification within the Central Area Land Use Designation shall be encouraged.
- h) Uses within the Central Area shall be required to develop on the basis of full municipal services, including but not necessarily limited to, municipal sewer, water and stormwater services.

5.3.3 Special Policy Area – Parkhill King Street

On lands fronting onto Parkhill King Street and denoted as “Special Policy Area 5.3.3” on Schedule “A1”, notwithstanding Section 5.3.1.c, residential uses shall be permitted on the ground floor of an existing commercial building, provided that:

- a) The residential use does not alter the height, massing, layout or exterior appearance of the building so as to alter the pedestrian oriented character of Parkhill King Street;
- b) The residential use does not inhibit the existing retail, commercial and office uses in the vicinity;
- c) The reuse for residential purposes does not preclude the opportunity to convert the ground floor to a retail, commercial or office use in the future;
- d) Parking for the residential use shall be provided in accordance with the Zoning By-law; and
- e) The residential use conforms to the provisions of the Zoning By-law.

5.4 GENERAL COMMERCIAL AREA LAND USE DESIGNATION

The General Commercial Areas include all of the commercial areas within the Urban and Community Settlement Areas, except for the Central Areas of Ailsa Craig and Parkhill. The uses of the lands are primarily oriented to vehicular traffic and single purpose shopping trips. The following policies shall apply to lands designated General Commercial Area on Schedule “A”.

5.4.1 Permitted Uses

Uses permitted on lands designated General Commercial Area on Schedule “A” are as follows.

- a) The primary permitted uses shall include retail establishments and commercial uses that are destination oriented or intended to serve the

travelling public, including automobile service stations, vehicles sales and service, public garages, motels, hotels, restaurants, category-specific establishments such as furniture, appliance, carpet, flooring, home electronics and/or garden centres, building supply centres, and other similar uses.

- b) Large retail uses, such as department stores, shall not be permitted in the General Commercial Area Land Use Designation.
- c) Adult Entertainment uses shall not be permitted in the General Commercial Area Land Use Designation.
- d) An accessory dwelling unit within a permitted use for a caretaker or security guard shall be permitted.
- e) Uses accessory to any of the permitted uses in the General Commercial Area Land Use Designation are permitted. The accessory uses shall be defined in the Zoning By-law.
- f) The specific uses permitted shall be established in the Zoning By-law.

5.4.2 Policies

The following policies apply to lands designated General Commercial Area.

- a) General Commercial Areas shall be compatible with surrounding uses and shall be adequately buffered from adjacent residential and other sensitive land uses.
- b) Adequate off-street parking and loading spaces shall be provided in accordance with the Zoning By-law
- c) General Commercial uses shall generally only locate on County arterial or collector roads. Access to the County road shall be subject to approval by the County of Middlesex.
- d) A high standard of site design and maintenance will be required through site plan control.
- e) Uses shall develop on the basis of full municipal services, including but not necessarily limited to, municipal sewer, water and stormwater services.

5.5 EMPLOYMENT AREA LAND USE DESIGNATION

Employment areas are characterized by their high visual profile and accessibility and are generally comprised of light industrial, general

commercial and related uses. Employment areas are located along Provincial Highways, and County arterial and collector roads. Generally, these areas are expected to accommodate a wide range of users requiring high visibility. High quality design will be essential in these areas and some restrictions on uses will be applied to ensure attractive streetscapes. The following policies apply to lands designated Employment Area on Schedule “A”.

5.5.1 Permitted Uses

Uses permitted on lands designated Employment Area on Schedule “A” are as follows.

- a) The predominant use of land shall be a wide range of employment and office uses.
- b) Industrial uses shall be limited to small-scale, self-contained uses that produce and/or store a product where there is a low probability of fugitive emissions.
- c) General Commercial uses, provided that the policies of Section 5.4 are adhered to where appropriate and applicable and the type of uses and their sizes are appropriate
- d) Council may permit the following ancillary uses without an amendment to this Plan:
 - i) Parks and open space uses; and
 - ii) Institutional uses, provided they are adequately buffered from uses that produce potential nuisances, such as noise, odour, dust, vibration or heavy traffic, as defined by the Ministry of the Environment or other relevant agency.
- e) Adult Entertainment uses shall not be permitted in the Employment Area Land Use Designation.
- f) An accessory dwelling unit within a permitted industrial use for a caretaker or security guard shall be permitted.
- g) Uses accessory to any of the permitted uses in the Employment Area Land Use Designation are permitted. The accessory uses shall be defined in the Zoning By-law.
- h) The specific uses permitted shall be established in the Zoning By-law.

5.5.2 Policies

The following policies shall apply to the Employment Area Land Use Designation.

- a) No outside storage of goods or materials will be permitted.
- b) High quality design, landscaping and building standards will be required. These standards shall be secured through site plan control. Buildings shall be designed so that all elevations facing a street present an appropriate front elevation. Loading areas are not considered appropriate in any yard facing a street. The location of loading areas shall be controlled in the Zoning By-law.
- c) Compatibility of uses on an individual property will be controlled through the Zoning By-law and site plan control.
- d) Adequate landscaping and buffering will be provided between the Employment Area Land Use Designation and any sensitive land uses, as established by the Ministry of the Environment or other relevant agency.
- e) Class I Industrial use buildings, as defined by the Ministry of the Environment, shall not locate within 20 metres of any sensitive land use. This separation distance shall be enforced through the Zoning By-law and site plan approval process through the use of a minimum 20-metre building setback applied to any Class I Industrial use building adjacent to an established or approved sensitive land use.
- f) In locating any sensitive land use in the vicinity of any established or approved Class I Industrial use, the Municipality shall have regard to the 20-metre setback requirement. Deviation from the established separation distance shall require detailed supporting studies of the potential impacts on the sensitive land use by the Class I Industrial use, and vice-versa, and any recommended mitigation measures.
- g) Access to Provincial Highways and County roads shall be subject to the approval of the appropriate authority.
- h) The Zoning By-law shall establish development standards and other measures required to support the Employment Area Land Use Designation policies.

5.6 INDUSTRIAL AREA LAND USE DESIGNATION

Industrial areas provide the primary location for industrial activities in the Municipality of North Middlesex. The Industrial Area Land Use

Designation permits a broad range of uses that, because of their physical and operational characteristics, should be clustered together and separated from sensitive land uses. The following policies shall apply to lands designated Industrial Area on Schedule “A”.

5.6.1 Permitted Uses

Uses permitted on lands designated Industrial Area on Schedule “A” are as follows.

- a) The predominant use of land shall be for industrial uses that require open storage of goods and materials such as manufacturing, processing, assembling, repairing, wholesaling, warehousing, trucking and storage.
- b) Other uses permitted may include establishments that may exhibit any or all of the following characteristics:
 - i) Large physical size of the lot/property/site or facilities;
 - ii) Outdoor storage of goods and materials;
 - iii) Large production volumes or large product size;
 - iv) Frequent shipment of products and/or materials;
 - v) Long production hours and shift operations/unusual hours of operation;
 - vi) Large volumes of traffic at off-peak hours; and/or
 - vii) Likelihood of nuisances, such as noise, odour, dust or vibration.
- c) In addition to the uses permitted above, Council may permit ancillary institutional uses without an amendment to this Plan, provided they are adequately buffered from uses that produce potential nuisances, such as noise, odour, dust, vibration or heavy traffic, as defined by the Ministry of the Environment or other appropriate agency.
- d) An accessory dwelling unit within a permitted industrial use for a caretaker or security guard shall be permitted.
- e) Uses accessory to any of the permitted uses in the Industrial Area Land Use Designation are permitted. The accessory uses shall be defined in the Zoning By-law.
- f) The specific uses permitted shall be established in the Zoning By-law.

5.6.2 Policies

The following policies shall apply to the Industrial Area Land Use Designation.

- a) Those uses that create or potentially create extreme environmental stress as a result of air and/or noise emissions, and/or the generation and/or handling of solid or liquid wastes will only be considered based on the submission of an environmental impact assessment satisfactory to the Municipality. The Municipality shall be satisfied that the required Certificate of Approval from the Ministry of the Environment is in good standing.
- b) A separation distance, determined in consultation with the Ministry of the Environment, shall be established between an industrial use and any sensitive land use. This separation distance shall be enforced through a site specific amendment to the Zoning By-law and site plan control through the use of a minimum building setback applied to any industrial use building adjacent to an established or approved sensitive land use.
- c) In locating any sensitive land use in the vicinity of any established or approved industrial use, the Municipality shall establish appropriate separation distances in consultation with the Ministry of the Environment.
- d) Deviation from the established Ministry of the Environment separation distances shall require detailed supporting studies of the potential impacts on the sensitive land use by the Industrial use, and vice-versa, and any recommended mitigation measures.
- e) Separation distances between sensitive land uses and Industrial uses shall be implemented through the Zoning By-law, as a condition of draft plan approval and/or through site plan control and may include measures such as:
 - i) Building orientation, design and setbacks;
 - ii) Landscaping and screening;
 - iii) Access controls;
 - iv) Road improvements and widenings;
 - iv) Restrictions on the range of permitted uses; and
 - v) Restrictions on outside storage.

- f) Adequate off-street parking and loading facilities shall be provided for all permitted uses for employees and visitors. Motorized vehicle access shall be oriented such that industry-related traffic will be discouraged from using local roads where other options are available. Loading facilities and service areas shall be located to avoid conflict between pedestrian circulation, service vehicles and movement along the public rights-of-way.
- g) The provision of appropriate and adequate landscaping and/or other forms of buffering shall be provided to:
 - i) Enhance all parking lots, and outdoor loading, storage and service areas; and
 - ii) Provide separation between the employment use and any adjacent use, where appropriate.
- h) Industrial uses shall be developed in such a manner to ensure protection and screening of outdoor storage areas from all adjacent roads.
- i) The introduction of Adult Entertainment uses is strongly discouraged. Should development applications for Adult Entertainment uses be received, such uses shall only be considered by way of a site-specific Official Plan Amendment in the Industrial Area Land Use Designation. Such uses may not locate any closer than 200 metres of an existing or designated residential, commercial or institutional use.

5.7 INSTITUTIONAL AREA LAND USE DESIGNATION

The Institutional Area is used for major public and institutional uses that benefit the residents of the Municipality of North Middlesex. Major institutional uses are defined as those institutional uses where the property is intensely built and attracts high traffic volumes.

5.7.1 Permitted Uses

Uses permitted on lands designated Institutional Area on Schedule “A” are as follows.

- a) The uses envisaged include secondary schools, government offices, places of worship, nursing homes, medical clinics, recreational, cultural and educational facilities, arenas, community centres, cemeteries, fairs or exhibition grounds, major parks, other public uses, and uses accessory thereto. Correctional group homes, and similar uses licensed under the *Ministry of Correctional Services Act* and the *Charitable Institutions Act*, group homes, hostels, temporary shelters, emergency shelters and other similar forms of special needs

uses shall be permitted in the Institutional Area Land Use Designation, subject to the policies of Section 5.7.2.g of this Plan.

- b) In addition to the uses permitted above, Council may permit ancillary residential uses and/or open space uses in areas designated Institutional Area without requiring an amendment to this Plan, provided that:
 - i) The ancillary use is clearly incidental and secondary to, and complementary with the main use;
 - ii) The residential uses shall be wholly within the institutional building; and
 - iii) The development satisfies the appropriate policies relating to the use.
- c) Uses accessory to any of the permitted uses in the Institutional Area Land Use Designation are permitted. The accessory uses shall be defined in the Zoning By-law.
- d) The specific uses permitted shall be established in the Zoning By-law.

5.7.2 Policies

The following policies shall apply to the Institutional Area Land Use Designation.

- a) Development of institutional uses shall be subject to site plan control.
- b) Government buildings deemed to be redundant may be used as non-government offices without an amendment to this Plan, provided that no significant physical changes to the site or structure are made.
- c) Adequate off-street parking areas shall be provided in accordance with the provision of the Zoning By-law, and access to parking areas shall be limited and designed to provide maximum safety for pedestrian and vehicular traffic.
- d) Notwithstanding the policies of this Plan relating to the Minimum Distance Separation Formulae, an inactive cemetery not associated with a place of worship shall not be subject to the Institutional criteria for separation distances.

- e) Major institutional uses shall be subject to the following policies:
 - i) Major institutional uses shall be located where there is direct access to a County arterial or collector road to discourage traffic from using local roads;
 - ii) The profile of the development relates to the adjacent buildings and uses and results in a gradual transition in terms of the profile of buildings, where applicable and appropriate;
 - iii) The site is designed to be accessible to all persons within the community, including the elderly and those persons with physical disabilities; and
 - iv) Appropriate landscaping and buffers are provided to enhance the physical separation between the use and adjacent sensitive uses, where applicable and appropriate.
- f) The Municipality shall implement regulations relating to group homes, and similar uses in the Zoning By-law.
- g) When reviewing any proposal for a new correctional group home, group home, hostel, temporary shelter, emergency shelter or other similar form of special needs shelter, Council shall be satisfied that:
 - i) The traffic generated from the facility can be adequately accommodated by the road network and will not have a significant impact on adjacent sensitive land uses, particularly residential uses;
 - ii) The facility is designed to maintain the scale, density, appearance, character and continuity of existing land uses in the surrounding area;
 - iii) The land and proposed buildings or structures conform to the provision of the Zoning By-law, including those related to parking requirements; and
 - iv) The use will not financially burden the Municipality through undue increases in hard or soft servicing costs.

5.8 HAMLET SETTLEMENT AREA LAND USE DESIGNATION

The rural settlements noted in Section 5.1 of this Plan are designated Hamlet Settlement Area. The existing hamlets are identified with a symbol on Schedule “A” to this Plan. These areas are intended to function as small dormitory clusters providing very limited commercial, institutional and recreational services to the surrounding area. The existing hamlets may accommodate a very limited amount of the anticipated Municipality residential growth and development within the horizon of this Plan. The

following policies shall apply to lands designated Hamlet Settlement Area on Schedule “A”.

5.8.1 Permitted Uses

Uses permitted on lands designated Hamlet Settlement Area on Schedule “A” are as follows.

- a) The primary use of land shall be for low density residential purposes, subject to the policies of Section 5.8.2.
- b) Uses accessory to residential uses, including home occupations, shall be permitted.
- c) The Zoning By-law shall appropriately zone the existing small scale commercial uses, institutional uses and public parks/open space uses. However, no new primary or secondary commercial or institutional uses are contemplated by this Plan.
- d) The specific uses permitted shall be established in the Zoning By-law.

5.8.2 Policies

The following policies shall apply to lands designated Hamlet Settlement Area:

- a) All new development shall be connected to the public piped water supply system, subject to approval of the Municipality.
- b) Sanitary services shall be provided by way of private on-site sewage disposal systems, pursuant to the policies of Section 8.3.3 and subject to the approval of the Municipality, Conservation Authority and any other authority(ies) having jurisdiction.
- c) Adequate provision for storm drainage and surface runoff shall be provided. The Municipality may require the submission of a grading plan with any new development proposal to ensure surface runoff does not adversely affect neighbouring properties.
- d) The Zoning By-law shall establish the zones necessary to implement the policies of this Section.
- e) Council will consider the following criteria in evaluating development applications in the Hamlet Settlement Areas:
 - i) The new development is commensurate with the character, nature of existing development and level of service available in the Hamlet Settlement Area;

- ii) The new development is serviced in accordance with the policies of this Section and Section 8.3; and
 - iii) The development will comply with the Minimum Distance Separation Formulae.
- f) Notwithstanding the general nature of the locations of the Hamlet Settlement Area Land Use Designation illustrated on Schedule “A”, no material new outward expansion of the existing Hamlet Settlement Areas will be permitted. Council shall refuse development applications that would result in a material outward expansion of the limits of an existing Hamlet Settlement Area. Infilling and minor rounding-out shall be permitted in the Hamlet Settlement Areas.
- g) The creation of new residential lots should proceed by way of consent, in accordance with the policies of Section 9.6.4 of this Plan. This Plan does not contemplate development in the Hamlet Settlement Areas of a scale that would require a plan of subdivision under Section 9.6.5.
- h) Applications for development of a use other than residential in a Hamlet Settlement Area shall require a site-specific Official Plan Amendment. Any such application will be reviewed in accordance with the policies of Section 9.6.1 of this Plan.

6.0 RURAL AREA POLICIES

6.1 INTRODUCTION

This Plan contains four (4) land use designations that relate to the rural area of the Municipality, which are detailed in this Section. The land use designations are as follows:

- Urban Reserve Area Land Use Designation;
- Agricultural Area Land Use Designation; and
- Resource Extraction Area Land Use Designation.

6.2 GENERAL POLICIES

The Municipality is committed to agricultural production as both an industry and a way of life. This Plan strives to protect and strengthen the agricultural community. The following policies generally apply to agriculture and the rural area within the Municipality.

- a) Non-agricultural urban uses within the Agricultural Area Land Use Designation are prohibited, unless specifically permitted in Section 6.4 of this Plan.
- b) New non-farm residential lots outside of Settlement Areas are prohibited except for the disposal of surplus farm dwellings by severance.
- c) The fragmentation of farm parcels in agricultural areas is strongly discouraged.
- d) With the exception of lands designated as Resource Extraction within the Rural Area, where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed conditional upon the following criteria:
 - i) The residence is surplus to the farming operation as defined in Appendix “A” to this Plan and was constructed prior to January 1, 1999;
 - ii) The severed parcel should generally only be as large as necessary to accommodate an on-site water well and sanitary disposal facilities and should generally be a maximum of 1.0 hectares in size unless it can be demonstrated that a larger size is required due to the location of the residence or to fully contain other works such as sanitary disposal facilities;

- iii) As a condition to the approval of a severance, a new minimum lot area for the retained parcel shall be implemented through a zoning by-law amendment which is also prohibitive of residential use unless there is already a dwelling located on the retained parcel in the case of abutting properties which are merged as a condition of severance. The zoning by-law amendment will also rezone the severed parcel containing the surplus residence to an agricultural residential zone;
 - iv) The proposed severed lot shall comply with Minimum Distance Separation I;
 - v) Where farm buildings and structures exist in the immediate vicinity to the surplus residence and are not required for the farm operation, a condition to the approval of severance may be demolition of the buildings and structures unless they can be made unsuitable for the housing of livestock and do not necessitate an inappropriately sized severed parcel;
 - vi) The severed parcel can be adequately serviced. If necessary, upgrades to sanitary waste disposal or water supply facilities may be required as a condition of severance to the satisfaction of the Municipality;
 - vii) Adequate vehicular access to both parcels shall be possible from a road of reasonable construction and maintenance to the satisfaction of the County or the Municipality, whichever has jurisdiction. Where a road is not of reasonable construction and maintenance, the Owner may be required to enter into an agreement within the entity having jurisdiction to upgrade the road as a condition of severance;
 - viii) There will be no adverse effects on natural and built heritage features;
 - ix) That natural hazard concerns on the severed and retained parcels are addressed. Natural hazard concerns include provisions for site access, location of the proposed severance line and quantity of available land away from the natural hazard area.
- e) The expansion of farm parcels through lot assembly is encouraged wherever possible.

- f) In order to avoid land use conflicts within agricultural areas, it is the policy of this Plan that the Minimum Distance Separation Formulae be used to establish appropriate standards for separating incompatible uses from existing, new or expanding livestock facilities. These standards will also apply to circumstances where new residential lots or other non-agricultural land uses are proposed in proximity to existing livestock facilities. The MDS-I and MDS-II calculations of the Province shall apply. The minimum distance separation formulae shall be implemented in the Zoning By-law.
- g) The Zoning By-law shall establish separation distances between livestock operations (to be defined within the By-law) and non-agricultural land uses in accordance with Minimum Distance Separation Formulae. In addition, the Municipality may impose more restrictive setbacks in the vicinity of settlement areas than those established by MDS separation by other means such as the implementing zoning by-law.
- h) Development in proximity to existing or potential aggregate, mineral or petroleum resource extraction operations shall be subject to the relevant policies of Section 6.6.

6.3 URBAN RESERVE AREA LAND USE DESIGNATION

The Urban Reserve Area is intended to serve four purposes. First, it protects intensive agricultural uses from locating in proximity to urban uses, thereby averting conflict. Second, it prevents urban uses from locating in proximity to existing intensive rural and agricultural uses, thereby averting disruption to agricultural productivity. Third, it creates a long-term protected corridor of land around the Urban Settlement Areas for possible future urban expansion. Fourth, it provides a land use policy context and area for certain specific, and mutually compatible uses, to locate strategically within the Municipality. The following policies relate to uses permitted in the Urban Reserve Area Land Use Designation.

On lands known as 26460 Bear Creek Road, comprising 2.8 hectares and having frontage and access driveways to both Bear Creek Road and Petty Street, the existing rural residence may be severed from the holding on a lot to have approximate frontage of 80 metres and a lot area of 0.6 hectares, and on the retained lands a medical office for a practicing general physician and a new rural residence may be permitted. Development of the medical office shall be subject to site plan control under the Planning Act.

6.3.1 Permitted Uses

The following uses shall be permitted on lands designated Urban Reserve Area.

- a) The predominant uses of land shall be those uses existing and permitted on the date of adoption of this Plan, as well as non-intensive agricultural uses, reforestation and public utilities.
- b) Development of an existing vacant lot of record or a new infill lot for residential use shall be permitted, provided the following criteria can be met:
 - i) The residential use meets the policies of Section 6.3.2;
 - ii) New residential infill lots specifically meet the criteria established in Section 6.3.2.c;
 - iii) The residential use is compatible with the surrounding area;
 - iv) The proposed residential use meets the Minimum Distance Separation Formulae;
 - v) Direct access to a public road can be provided; and
 - vi) Appropriate servicing can be provided.
- c) Public utilities and other uses, which would limit the type of residential uses to be developed in Urban Reserve Area, shall not be permitted.
- d) Open Spaces uses shall be permitted, subject to the policies of Section 7.
- e) Uses accessory to any of the permitted uses in the Urban Reserve Area Land Use Designation are permitted. The accessory uses shall be defined in the Zoning By-law.
- f) The specific uses permitted shall be established in the Zoning By-law.

6.3.2 Policies

The following policies shall apply to the Urban Reserve Area Land Use Designation.

- a) Beyond the 20-year planning horizon of this Plan, the future use of areas designated Urban Reserve Area will generally be for residential and other urban purposes. Council shall consider these lands as logical areas to extend the Residential Area Land Use Designation onto, when it has been determined that additional lands

are required in the Municipality to accommodate future growth and development.

- b) Those areas designated Urban Reserve Area will require an amendment to this Plan prior to development for uses other than those contemplated in Section 6.3.1.
- c) Development of the uses permitted under Section 6.3.1 within the Urban Reserve Area shall not preclude the eventual extension of full municipal services.

6.3.3 Special Policy Area – ‘Gordon Property’

The lands shown as “Special Policy Area No. 6.3.3” on Schedule ‘A’ are established within the Urban Reserve Area designation. Beyond the 20 year planning horizon of this Plan, the future use of the lands affected by this Policy will generally be for residential and/or other urban uses. The need for, and timing of, residential and other urban uses as well as the place of these lands in the sequence of the future development of urban reserve lands, will be considered as part of the Municipality’s ongoing review of its Official Plan. This special policy does not imply any specific priority relating to lands shown as “Special Policy Area No. 6.3.3” on Schedule ‘A’. As with all urban reserve lands, an amendment to the Official Plan is required prior to development for uses other than those set out below.

Prior to residential and/or other urban development, the following uses shall be permitted:

- a) Those uses existing and permitted on the date of adoption of this Plan, as well as non-intensive agricultural uses, reforestation and public utilities;
- b) Development of an existing vacant lot of record subject to compliance with the Minimum Distance Separation formulae, direct access to a public road and approval of the appropriate authority;
- c) Uses accessory to any of the permitted uses;
- d) Public utilities and other uses, which would limit the type of residential uses to be developed, are not permitted;
- e) Permitted uses, including accessory uses, shall be detailed in the implementing Zoning By-law.

Portions of the lands affected by this policy form part of the natural heritage network associated with Nairn and Bear Creeks. The precise delineation of natural heritage features shall occur in the context of a

detailed Environmental Impact Study (EIS), to be approved prior to any development of the subject lands. The detailed EIS shall be prepared with the overall objective of maintaining and, where appropriate, enhancing the overall ecological functions necessary to the health of Nairn and Bear Creeks. The detailed EIS shall consider and/or determine, among other things, slope stability, edge of floodplain, top of valley wall, area regulated by the Ausable Bayfield Conservation Authority, sensitive vegetation, impacts on fisheries, and erosion/siltation control measures.

No development other than conservation, forest management, public or private parks (not requiring structural facilities), stormwater management facilities in compliance with Ministry of the Environment stormwater management guidelines, is permitted within the lands determined to be within the natural heritage area. Development on adjacent lands shall ensure the long-term protection of significant environmental features within the natural heritage area.

Future urban development of the lands affected by this policy shall proceed by way of plan of subdivision and must be fully serviced with municipal sewage treatment and water services. Any future development will be subject to County and/or Municipal approval of a functional servicing report to be prepared on behalf of the property owner. The functional servicing report shall incorporate phasing considerations, stormwater management attenuation measures and environmental protection measures, including an erosion and sediment control plan.

6.4 AGRICULTURAL AREA LAND USE DESIGNATION

The majority of land within the Municipality is designated Agricultural Area, reflecting the dominance of agriculture in North Middlesex. The Agricultural Area Land Use Designation is intended to strengthen the agricultural community in the Municipality. The policies are designed to protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to contemporary agricultural practices.

6.4.1 Permitted Uses

Uses permitted on lands designated Agricultural Area on Schedule “A” are as follows.

- a) The primary use of land shall be for farming, agriculture and agriculturally-related uses. The farm unit shall generally consist of farmland, the farm residence, farm buildings and structures and any farm woodlots or natural heritage features.
- b) A second farm residence may be permitted, provided the second farm residence is on the same lot and is accessory to the main farm

operation. The second farm residence shall be a temporary residential unit and shall be permitted by way of temporary use by-law, in accordance with Section 9.3.3 of this Plan.

- c) Temporary agricultural demonstration events shall be permitted.
- d) Forestry uses shall be permitted.
- e) Natural heritage conservation, protection and enhancement, and open space uses shall be permitted and are subject to the policies of Section 7.
- f) The following secondary uses may also be permitted, provided these uses do not conflict with existing farming operations or with any Natural Heritage Features:
 - i) Accessory residential dwellings, “granny flats” or garden suites, subject to the policies of Section 5.2.3, save and except for that use of existing site services is permitted in lieu of full municipal services;
 - ii) Home occupations, subject to the policies of Section 6.4.2.d;
 - iii) On-farm secondary businesses, subject to the policies of Section 6.4.2.e;
 - iv) Agriculturally-related commercial and industrial operations, subject to the policies of Section 6.4.2.f;
 - v) Public and private open space and recreational uses, subject to the policies of Section 6.4.2.g; and
 - vi) Petroleum exploration and production under the *Oil, Gas and Salt Resources Act*, subject to the policies of Section 6.6.3.
- g) Legally existing uses not referenced in the above list shall be recognized in the Zoning By-law, however, physical expansion, relocation or establishment of new such uses is not contemplated by this Plan.
- h) Non-farm related rural residential development is generally not permitted. The following residential uses shall not be permitted in the Agricultural Area Land Use Designation:
 - i) New estate residential development;
 - ii) New rural residential development that is not a component of the farm unit described in 6.4.1.a;

- iii) New “themed”, comprehensive or lifestyle communities;
- iv) New mobile home or trailer parks; and
- v) New farm retirement or “next of kin” lots.
- i) Uses accessory to any of the permitted uses in the Agricultural Area Land Use Designation are permitted. The accessory uses shall be defined in the Zoning By-law.
- j) The specific uses permitted shall be established in the Zoning By-law.

6.4.2 Policies

The following policies apply to lands designated Agricultural Area.

- a) Consent-for-severances for residential development and non-agricultural uses shall be prohibited in the Agricultural Area Land Use Designation, except for those circumstances outlined in Section 6.2 d) and 9.6.4.h.
- b) The creation of parcels of land of less than 40 hectares in size for agricultural purposes shall generally not be permitted. Farm operators shall not be prevented from assembling and disassembling agricultural land into viable production units, provided the minimum parcel size is maintained.
- c) Except in accordance with Section 6.2 d) of this plan, in no instance shall an original township lot be divided into more than two parcels of lands. For the purposes of this policy, any township lot that has been severed for the purposes of a school site or church site, a road widening or minor lot line adjustments shall be deemed to be an original township lot.
- d) Home occupations not related to farming shall be permitted within the farm residence, provided the use remains clearly secondary to the farm operation and provided the use is operated by a farm family member. Examples of home occupations include an office, consulting room or studio for a profession, business or a trade, and a hair dressing establishment. Home occupations shall be conducted entirely within the farm dwelling. The actual range of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.
- e) On-farm secondary businesses comprise 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. In order to ensure that the scale of

the business is clearly accessory to the farm use, the gross floor area of the on-farm secondary business shall not exceed the gross floor area of the residential unit. Outside storage associated with the on-farm secondary business shall be limited in scale and be screened from view from surrounding roads. On-farm secondary businesses shall have no negative impact on Natural Heritage Features or their ecological functions. The range of on-farm secondary businesses permitted and the standards applying to them shall be set out in the Zoning By-law. On-farm secondary businesses shall be subject to site plan control.

- f) Agriculturally-related commercial and industrial uses that are clearly supportive of and directly related to agricultural operations and required in close proximity, such as feed mills, grain drying, abattoirs, kennels, stables, veterinary clinics, handling and storage facilities, livestock marketing or sales yards, fertilizer plants and farm implement and repair dealers, may be permitted subject to the following criteria:
- i) The proposed use is located on land that is not currently used for agricultural purposes;
 - ii) The proposed use cannot locate in an Urban and Community Settlement Area or the Urban Reserve Area Land Use Designation, due to use prohibition or other reasons that make it infeasible, and must be located in close proximity to farming activities;
 - iii) The proposed use complies with the Minimum Distance Separation Formulae;
 - iv) The proposed use shall neither require large volumes of water nor generate large volumes of effluent and shall be serviced with municipal piped water, where possible, and an appropriate sewage treatment facility;
 - v) The proposed use shall be accessed via a County road, subject to the approval of the County of Middlesex;
 - vi) The location of the proposed use shall provide for minimum sight distances from the access points in either direction along a County road;
 - vii) The proposed use shall be located and designed to minimize potential adverse impacts on adjacent residential and other sensitive uses by buffering measures such as landscaping, berming and building setback and layout;

- viii) The proposed use shall be subject to a Zoning By-law Amendment, in accordance with the policies of Section 9.6.2 of this Plan; and
- ix) The proposed use shall be subject to site plan control, in accordance with the policies of Section 9.6.6 of this Plan.
- g) Large-scale recreational uses, such as golf courses, campgrounds and similar uses, are not anticipated in the Agricultural Area Land Use Designation. Public and private open space and recreational uses may only be permitted in the Agricultural Area Land Use Designation through an Official Plan Amendment that justifies the need for such facility and there are no reasonable alternative locations which avoid prime agricultural areas.. In addition, the following criteria will apply:
 - i) The proposed use is of an appropriate scale that it is clearly secondary to agricultural uses;
 - ii) The proposed use shall be located on land not currently used for agricultural purposes;
 - iii) Lands characterized by rolling topography, forest cover, and rivers and streams, will be given preference for the establishment of outdoor recreation uses;
 - iv) The proposed use shall comply with the Minimum Distance Separation Formulae; and
 - v) The proposed use will be compatible with existing or planned uses in the vicinity.
- h) Certain lands within the Agricultural Area Land Use Designation contain Natural Heritage Features. These features are illustrated on Schedule “C” to this Plan. Any lands including or adjacent to a natural heritage feature shall be subject to further development control, as established in the policies of Section 7.3 of this Plan.
- i) Minimum Distance Separation Formulae shall be used to ensure compatibility between new livestock operations or the expansion of existing livestock operations and surrounding uses.
- j) 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.

- k) New or expanding manure storage areas and feedlots shall be designed and located in a manner that prevents or minimizes the potential contamination of water resource areas and shall comply with the *Nutrient Management Act* and its associated regulations. The fencing of farm ponds and watercourses shall be encouraged to prevent direct watering of livestock.

6.4.3 Ausable Walk

Notwithstanding the policies of Section 6.4 and 9.6.4 a) i) of this Plan to the contrary, part of Lot 14 and part of Lot 15, Concession IX, geographic Township of West Williams comprising an area of approximately 40 hectares may be developed by way of consent subject to the following policies:

Permitted uses are restricted to:

- i. Residential uses subject to the policies of Section 6.4.3;
- ii. Forestry and woodlots;
- iii. Natural areas and conservation areas;
- iv. Small scale private recreation amenities such as gazebos, swimming pools or other structures that are compatible with the residential and rural characteristics of the site.

Development shall be permitted in accordance with the following special development policies:

- a. Residential development shall consist of single detached dwellings. Specific regulations shall be set out in the zoning by-law.
- b. Physical structures shall be limited to single family dwellings, accessory buildings and recreational facilities compatible with a rural environment. The approval of the Ausable Bayfield Conservation Authority shall be required for any construction proposed within its regulated area.
- c. Protection and/or enhancement of any on-site environmental features, including trees, ravine and woodland habitat is encouraged.
- d. The units are to be serviced by individual private sanitary treatment systems in accordance with the regulations and guidelines of the Municipality and the Ministry of the Environment.

- e. All ravine, Ausable River shoreline, environmental protection and natural hazard lands are to be maintained under single ownership as one contiguous block. Public ownership for the purposes of a Conservation Area is encouraged.
- f. Prior to any construction on the site, an engineering report identifying proposed means of water supply, sewage treatment and storm water management measures for the site has been submitted for approval by the Municipality or the relevant Ministry and/or Agency.

6.4.4 Other Site-Specific Policies

Notwithstanding the policies of this plan to the contrary, the severance of the two existing dwellings located on Part Lot 9, Concession 4, geographic Township of East Williams and municipally numbered as 10309 and 10321 Petty Street is permitted subject to Section 9.6.4 herein with the dwelling municipally numbered as 10293 Petty Street also located on Part Lot 9, Concession 4, geographic Township of East Williams to be retained.

6.5 RESOURCE EXTRACTION AREA LAND USE DESIGNATION

This Plan does not designate lands for future resource extraction. Existing pits and quarries and aggregate, mineral or petroleum resource extraction operations are designated Resource Extraction Area by this Plan. Areas with potential for aggregate, mineral and petroleum resource extraction are identified on Schedule “C” to this Plan.

A separate land use designation has not been created for petroleum resource extraction. In addition to the policies of this Plan, the regulations and standards of the *Oil, Gas and Salt Resources Act*, will govern the location of petroleum wells in the Municipality.

6.5.1 Permitted Uses

The following policies related to permitted land uses apply to lands designated Resource Extraction Area in Schedule “A”.

- a) The primary use of land shall be for the extraction of aggregate, mineral or petroleum resources.
- b) Existing aggregate, mineral or petroleum resource extraction operations shall be permitted to continue without the need for an Official Plan Amendment, Zoning By-law Amendment,

development permit or other development approval under the *Planning Act*.

- c) Uses accessory to an aggregate, mineral or petroleum extraction operation such as processing, crushing, washing or stockpiling of aggregate resources extracted from the operation shall also be permitted.
- d) Concrete batching plants and asphalt plants shall be permitted in association with a resource extraction operation.
- e) Secondary uses permitted shall include agriculture, forestry, conservation, public or private outdoor recreation uses and wayside pits.
- f) The actual range of permitted uses shall be established in the Zoning By-law.

6.5.2 Resource Extraction Policies

The following policies apply to the Resource Extraction Area Land Use Designation.

- a) As many areas of aggregate potential are located in areas containing natural heritage features or important agricultural operations, a new aggregate extraction operation (other than a wayside pit), or expansion of an existing resource extraction operation shall require an Official Plan Amendment. In considering applications to permit new resource extraction operations, the following shall be addressed to the satisfaction of the Municipality, including any impact mitigation measures:
 - i) The proximity of the site to the Resource Areas identified on Schedule “C”;
 - ii) The nature and extent of resources to be extracted from the site;
 - iii) The impact on adjacent land uses and residents, including visual impacts;
 - iv) The impact on the natural environment, including any identified Hazard Lands and Natural Heritage features;
 - v) The impact on any cultural heritage sites or features identified and designated by the *Ontario Heritage Act*;
 - vi) The impact on the existing road network;

- vii) The impact on surface and groundwater resources;
 - viii) The impact on present or future agricultural operations;
 - ix) 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;
 - x) The manner in which the operation will be carried out; and
 - xi) The nature of rehabilitation work that is proposed.
- b) Applications to establish a new resource extraction use shall be subject to site plan control and the requirements of the *Aggregate Resources Act* or the *Oil, Gas and Salt Resources Act*, as appropriate.
- c) Resource extraction sites shall be progressively rehabilitated to a standard that is compatible with the land use designation(s) in place at the time of the application for Official Plan Amendment. The Municipality shall approve an after-use plan for the site and enforce the after-use plan through the development agreement. The after use plan shall propose a use consistent with the existing land use designation(s) on the site. Depending on the nature of the after use plan, an Official Plan Amendment may be required to implement the after-use plan. On lands presently designated Agricultural Area where a resource extraction use is proposed, site rehabilitation will be conducted such that a productive use permitted in the Agricultural Area is restored. The requirement for complete agricultural rehabilitation may not be required if:
- i) There is a substantial quantity of mineral aggregates 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.

- d) The extraction of aggregate from a farm property for use on the same farm property shall be permitted subject to the *Aggregate Resources Act*.

6.5.3 Petroleum Resource Policies

There is potential in the Municipality for exploration, discovery and production of petroleum deposits. The following additional policies shall apply to petroleum resource extraction.

- a) Petroleum exploration and production under the *Oil, Gas and Salt Resources Act* is a permitted activity within the Agricultural Area Land Use Designation and the Resource Extraction Area Land Use Designation, subject to the other policies of this Plan.
- b) The Municipality supports the proper disposal of oil field brines, in accordance with Provincial requirements.
- c) The Municipality encourages the use of technology, such as directional drilling for the exploration and production of subsurface resources from a well site that is located on lands adjacent to Hazard Lands, Environmentally Significant Features or Natural Heritage Features and/or cultural heritage features.
- d) New wells and associated works are generally prohibited where they may cause any surface or ecological disturbance to identified Hazard Lands, Environmentally Significant Features, or cultural heritage features.
- e) New wells and associated works within Natural Heritage Features will only be permitted where an EIS has identified measures to mitigate negative impacts. Where forest cover is removed it will be replaced at a location specified by the landowner whose forest cover was removed and should the owner not have a suitable location, then the replacement would occur at a location specified by the Municipality.
- f) The Municipality may allow consents that convey an interest in land, but do not create a separate parcel, where a portion of a property is being considered for works that are associated with production of oil or natural gas or that are associated with underground storage of natural gas.
- g) Subject to the approval of the Municipality and the Province or the County, as appropriate, the routing of field or gathering pipelines will be allowed along road rights-of-way where it does not impact road safety and maintenance needs.

- h) When production ceases, well sites and locations of associated works shall be rehabilitated to permit uses set out in the Land Use Designation where the well sites are located. Sites within the Agricultural Area Land Use Designation shall be rehabilitated so as to restore the site so it can be used for agricultural purposes.

6.5.4 Development in Proximity to Aggregate, Mineral & Petroleum Resource Operations

The following policies shall apply to any proposed development application in proximity to an aggregate, mineral or petroleum resource operation.

- a) The Municipality shall consult the Province where new development is proposed adjacent to or in areas of known aggregate, mineral or petroleum resource extraction potential.
- b) Development shall be setback from aggregate resource extractions operations, in accordance with the *Aggregate Resources Act*. The Municipality will not approve development applications that do not comply with the setbacks required by the *Aggregate Resources Act*.
- c) New development shall be setback 75 metres from existing wells and related operations, or the equivalent setback required under the *Oil, Gas and Salt Resources Act*, whichever is greater. Lesser setbacks for development may be considered upon consultation with the Province.
- d) Development on, abutting or adjacent to lands affected by former mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed.
- e) As a condition of approving development, the Municipality will require that improperly abandoned wells that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe in accordance with Provincial requirements. Building locations should be examined for the presence of possible well sites using established standards and procedures. Areas where wells are located should be avoided when establishing building locations, unless it can be demonstrated that development can safely occur. If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

7.0 ENVIRONMENTAL POLICIES

7.1 INTRODUCTION

In partnership with the Ausable Bayfield Conservation Authority, Middlesex County and the Province, the Municipality strives to protect the natural environment. It is a priority of this Plan to protect and enhance significant natural features and functions, and to reduce the risk to public safety and property from natural hazards, such as flooding and unstable slopes.

The Open Space Area Land Use Designation and other policies of this Section are designed to address the environmental objectives of this Plan.

7.2 WATERSHED MANAGEMENT POLICIES

7.2.1 General

The Municipality of North Middlesex contains many streams and rivers, which, among other resources, support the natural environment and the existing community. Water management issues arise from the various forms of human activity that this Plan addresses. More demands are being placed on water resources; the effects of which contribute to degraded aquatic communities, the loss of well water supply, aquifer contamination, deteriorating water quality, flooding and erosion. Integrating land management and the protection of water allows for the continuance of a healthy environment, solid economic development and healthy communities.

The protection of water resources from contamination and degradation associated with certain land uses and activities is an important element to maintaining the quality of life experienced by both existing residents and businesses, and to support future growth. Water resources will be protected through the stormwater management policies of Sections 8.3.5 and 9.7.3, and any other relevant policies of this Plan.

The Municipality contains two major watershed systems – Parkhill Creek, which drains lands in the northwest and central portions of the Municipality; and the Ausable River, draining lands along the easterly, southerly and extreme westerly boundaries. The Ausable Bayfield Conservation Authority manages both watersheds. Appendix B to this Plan illustrates the major watershed and associated subwatersheds in North Middlesex.

7.2.2 Policies

The following policies relate to linkages between watershed management and the Official Plan.

- a) The Municipality will work cooperatively with the Conservation Authority in dealing with land management issues within the Ausable River Watershed that extend beyond the Municipal boundaries.
- b) The Municipality will encourage both the preparation of watershed and subwatershed management plans to assist in water resource and land use planning on an ecosystem basis. Council recognizes that development and land use change within the Municipality will also require consideration of other matters such as economic and growth management factors that may not be addressed in a watershed or subwatershed plan.
- c) The Municipality will encourage the protection of species at risk, either aquatic or terrestrial, and species recovery strategies. The Municipality will support the implementation of the relevant findings of recovery strategies. This may include amendments to this Plan.
- d) The Municipality will support the Conservation Authority in the preparation and implementation of the subwatershed studies.
- e) The Municipality will support initiatives of the County, the Conservation Authority and other agencies in identifying strategies to protect groundwater resources. To protect groundwater resources, certain uses may be restricted in identified areas of high groundwater vulnerability. An amendment to this Plan shall be required to address any use restrictions related to the protection of groundwater resources.
- f) Applications for proposals requiring access to significant amounts of groundwater or surface water from streams or ponds will only be considered by the Municipality where the applicant has illustrated that the Ministry of the Environment has been consulted, and that the Ministry is considering an application for a water taking permit. For the purposes of this policy, significant means water requirements that exceed what would be usually expected to sustain normal farming practices such as those found within the Municipality. Examples of such significant water users may include (but are not limited to) the following: golf course uses, commercial water bottling operations and intensive agricultural uses. Approvals may also be required from relevant agencies.

- g) Applications for development that need a private water source may be required to submit a detailed hydrogeological study to determine the suitability of the lands for groundwater extraction. The hydrogeological study will be prepared to the satisfaction of the Municipality, Conservation Authority and the County, in consultation with the Province.

7.3 NATURAL ENVIRONMENT POLICIES

7.3.1 General

As a component of implementing the watershed management policies, it is the policy of this Plan to conserve natural heritage features and functions. The Official Plan separates natural environmental considerations into three categories:

- a) Hazard Lands, as illustrated on Schedule “A” to this Plan;
- b) Environmentally Significant Features identified on Schedule “A” to this Plan; and
- c) Lands identified as Natural Heritage Features, as illustrated on Schedule “C” to this Plan.

If development occurs without regard to these constraints and considerations, loss of life, property damage or degradation of the natural environment may occur. Delineation of these environmental features has been derived, in a conceptual manner, from mapping provided by the County of Middlesex and Ausable Bayfield Conservation Authority, in consultation with the Ministry of Natural Resources. These features must be given priority in the development, redevelopment and alteration of land within the identified areas. The delineation of these environmental considerations may be refined through the preparation of a detailed Environmental Impact Study (EIS), pursuant to Section 9.7.1 of this Plan.

7.3.2 Hazard Lands

Schedule “A” defines as Hazard Lands those lands that are susceptible to flooding or erosion, have steep slopes or soil instability, or exhibit other hazards, including human-made hazards. The following policies shall apply to Hazard Lands.

- a) No new development shall be permitted on Hazard Lands other than uses associated with the management of the Hazard Lands.
- b) An Environmental Impact Study in accordance with Section 9.7.1 of this Plan shall be required for all development or site alteration proposals within or abutting lands identified as Hazard Lands.

- c) Land proposed for development that is subject to the policies of this Section shall be subject to site plan control in accordance with Section 9.6.6 of this Plan. The site plan shall relate specifically to the implementation of the findings of the EIS. The site plan shall correctly and precisely delineate those lands impacted by flooding or erosion and identify how the proposed development and/or redevelopment will ensure no damage or degradation of the environment.

7.3.2.1 Flooding Hazards

Flood plains within the Municipality are identified as Hazard Lands on Schedule “A”. It is the intent of the Municipality to work cooperatively with the Ausable Bayfield Conservation Authority in the management of flood plains to ensure proper land use, minimize the level of risk to life, property damage and social disruption from flooding, and minimize the need for large capital expenditures for flood protection purposes. In North Middlesex, there are three approaches to flood plain management. The following policies deal with these approaches.

a) Thedford Klondyke Marsh

The Thedford Klondyke Marsh affects lands subject to flooding along the Ausable River, Ausable River Cut and Old Ausable Channels. The Thedford Klondyke Marsh shall be subject to Special Policy Area 7.4.3. The general provisions of the Provincial and Ausable Bayfield Conservation Authority flood plain management policy shall apply.

b) Two-Zone Approach

The two-zone flood plain approach shall be employed within the Ailsa Craig Urban Settlement Area. The floodway is defined as a hydraulic floodway as determined from channel capacity and floodwater storage requirements. The flood fringe is the area between the Regional Storm floodline and the hydraulic floodway. The general provisions of the Provincial and Ausable Bayfield Conservation Authority flood plain management policy shall apply.

c) One-Zone Approach

The one-zone flood plain approach shall be employed for all remaining lands subject to flooding hazards in the Municipality. The general provisions of the Provincial and Ausable Bayfield Conservation Authority flood plain management policy shall apply.

7.3.3 Environmentally Significant Features

Schedule “A” identifies Environmentally Significant Features, being those lands that display sensitive features including significant wetlands, significant portions of the habitat of endangered and threatened species, and major watercourses, including municipal drains. The following policies shall apply to Environmentally Significant Features.

- a) Development and site alteration shall not be permitted on Environmentally Significant Features. Notwithstanding any interpretation of Schedule “A”, such areas shall be deemed to be designated Open Space Area, and subject to the policies of Section 7.4.1.a and 7.4.2.b in particular, and any other relevant policies of this Plan.
- b) An Environmental Impact Study in accordance with Section 9.7.1 of this Plan shall be required for all development proposals within or adjacent to areas identified as Environmentally Significant Features.
- c) Development proposals adjacent to or abutting an Environmentally Significant Feature shall not result in a negative impact on the natural areas and functions or ecological processes of the Feature. The extent of adjacent lands shall be defined as illustrated on the following table.

Environmentally-Significant Feature	Boundary Definition	Extent of Adjacent Lands	Conditions under which development and site alteration may be permitted
Significant wetlands	Wetland evaluation carried out in accordance with Ministry of Natural Resources procedures.	120 metres	EIS demonstrates that there will be no negative impacts on the natural features and their sustaining ecological or hydrologic functions.
Significant habitat of endangered and threatened species	As defined by Provincial or Federal authorities or an accredited professional.	50 metres	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.

Environmentally-Significant Feature	Boundary Definition	Extent of Adjacent Lands	Conditions under which development and site alteration may be permitted
Watercourses and Municipal drains without mapping or regulations from ABCA	The top of bank of the watercourse or drain as defined in consultation with the ABCA.	Lands within 15 metres of the top of bank, or a feature defined by Section 7.3.4 of this Plan.	EIS demonstrates no negative impacts upon any present natural feature and their sustaining ecological functions.

7.3.4 Natural Heritage Features

The Provincial Policy Statement encourages the protection and enhancement of natural heritage features. Natural Heritage Features are identified on Schedule “C” to this Plan. The delineation of these features is based on the Middlesex County Natural Heritage Study. These Natural Heritage Features are generally not designated in the Official Plan. Notwithstanding this, the following policies shall apply.

- a) Natural Heritage Features identified on Schedule “C” to this Plan shall be subject to the policies of the underlying land use designation and the policies of this Section of the Plan.
- b) Development or site alteration proposed within or on lands adjacent to a Natural Heritage Feature(s) shall be subject to the completion of an Environmental Impact Study, in accordance with Section 9.7.1 of this Plan. Development or site alteration within or adjacent to such features will be prohibited unless it can be shown that there will be no unmitigated impacts on the form or function of such Features. The extent of adjacent lands shall be defined as illustrated on the following table.

Natural Heritage Feature	Boundary Definition	Extent of Adjacent Lands	Conditions under which development and site alteration may be permitted
fish and their habitat	A setback of 30 metres from the highwater edge of an aquatic habitat or as defined through the EIS. The definition of fish habitat can be affected by an EIS.	30 metres from the highwater mark	EIS indicates there will be no harmful alteration, disruption or destruction of habitat upon which the fishery depends directly and indirectly; or where authorization has been obtained under the <i>Fisheries Act</i> , or that habitat will be fully replaced to provide full compensation for the effects of the development.

Natural Heritage Feature	Boundary Definition	Extent of Adjacent Lands	Conditions under which development and site alteration may be permitted
locally significant wetlands	Wetland evaluation carried out according to procedures established by MNR.	120 metres	EIS demonstrates there will be no negative impacts on the natural features and the ecological or hydrologic functions that sustain them.
significant woodlands	All woodlands 4 hectares or greater in area and all woodlots of any size straddling or immediately adjacent to a watercourse.	Dripline plus 10 metres	EIS demonstrates there will be no negative impacts on the natural features of the woodlands and the ecological functions that sustain them.
valley lands (not included in Schedules)	Conservation Authority regulatory lines, flood plain mapping or unstable slope mapping where available or the edge of any other associated natural heritage feature, whichever is greater.	Stable top-of-bank, determined in consultation with the Conservation Authority	EIS demonstrates there will be no negative impacts on the natural features of the valley lands and the ecological functions that sustain them.
significant natural areas and wildlife habitat	The Municipality in conjunction with MNR or ABCA.	120 metres	EIS demonstrates there will be no negative impacts on wildlife or their habitat.
areas of natural and scientific interest (ANSI)	as defined by MNR.	120 metres	EIS demonstrates there will be no negative impacts on the ANSI and the ecological or geological functions that sustain them.

7.3.5 General Environmental Policies

The following general policies relating to the natural environment apply to the Municipality.

- a) Subject to Provincial and Federal statutes, regulations and the County Tree Cutting By-law, the policies of this Plan do not limit the continuation of existing agricultural uses within or adjacent to Natural Heritage Features.
- b) This Plan encourages the retention of woodlots or portions of woodlots that are not identified on Schedule “C”. It is further encouraged that wherever possible and appropriate, trees be replanted to replace trees removed if a development proceeds. This Plan encourages the preservation or replanting of roadside and fence-line shrubs and trees, and riparian area vegetation, wherever possible and appropriate in the context of new development.

- c) The Municipality encourages the use of MNR's *Natural Heritage Reference Manual* for the completion of an EIS, referenced in Section 9.7.1 of this Plan, to ensure that development proposals are consistent with the Natural Heritage Features policies.
- d) Council encourages opportunities that may arise with development proposals for creating new habitats, natural vegetation regeneration, conserving natural landforms and functions, for preserving and enhancing groundwater and surface water resources, and for promoting environmental education and interpretation.
- e) Where components of the Natural Heritage Features are held in private ownership, nothing in this Plan requires that these lands be free and available for public use, and the identification of lands will not oblige the Municipality, or other public agencies to purchase these lands.
- f) Council will, to the extent feasible, ensure that required maintenance of existing drains is carried out in a manner that mitigates impacts upon components of the Municipality's Natural Heritage Features.

7.4 OPEN SPACE AREA LAND USE DESIGNATION

The following policies relate to those lands designated Open Space Area on Schedule "A".

7.4.1 Permitted Uses

Uses permitted on lands designated Open Space Area Land Use Designation on Schedule "A" are as follows.

- a) The predominant use of land shall be for the preservation and conservation of land and/or environment, as well as for the provision of outdoor recreational and educational opportunities, subject to the policies of Section 7.4.2
- b) Uses such as agriculture, forestry, parks and recreation shall be permitted, subject to the policies of Section 7.4.2. Approval for development of these uses shall depend on the particular physical and environmental constraints of any given site.
- c) Uses accessory to any of the permitted uses in the Open Space Area Land Use Designation are permitted, subject to the policies of Section 7.4.2. The accessory uses shall be defined in the Zoning By-law.
- d) The specific uses permitted shall be established in the Zoning By-law.

7.4.2 Policies

The following policies shall apply to the Open Space Area Land Use Designation.

- a) Lands designated Open Space Area should be managed in such a fashion as to complement adjacent land uses and protect such uses from any physical hazards.
- b) Development and site alteration shall be prohibited on lands identified as Environmentally Significant Features on Schedule “A”.
- c) Agriculture, parks, recreation and forestry operations on lands designated Open Space Area should maintain the unique natural characteristics of such lands, where possible and appropriate.
- d) The use of lands designated Open Space Area shall not contribute to problems of erosion, flooding, pollution or the deterioration of the natural environment.
- e) Buildings and structures shall be permitted on lands designated Open Space Area provided that they are clearly incidental and/or accessory to the main permitted use, but not in hazard lands, unless the buildings or structures are required for flood control, municipal services and/or utilities. Structures such as those required for flood control, municipal services and/or utilities shall be permitted on hazard lands, provided engineering studies acceptable to the Municipality and Ausable Bayfield Conservation Authority indicate that any hazard, natural or otherwise, can be overcome, or if the Conservation Authority determines that the isolated parcel of land is not hazardous. Where major physical alterations are necessary to overcome the hazards, an amendment to this Plan will be required. Where a detailed EIS shows that an area is non-hazardous, and provided that the Conservation Authority confirms this in writing, then an alternative use consistent with the surrounding uses may be considered through a Zoning By-law Amendment.
- f) Where Open Space Area lands are under private ownership, it shall not be construed that these lands shall be free and open to the general public, nor that the Municipality or any other public agency shall acquire them.

7.4.3 Special Policy Area – Thedford Klondyke Marsh Flood Plain

The following policies shall apply to proposed development in the area identified as Special Policy Area 7.4.3 on Schedule “A”. The general provisions of the Provincial and Ausable Bayfield Conservation Authority

flood plain management policies apply with the following exceptions and additions.

- a) Agriculturally related buildings or structures at existing agricultural operations will be permitted providing they are suitably flood-proofed.
- b) Storage of toxic or explosive materials will be required to be located above the regulatory flood datum as determined in consultation with the Ausable Bayfield Conservation Authority.
- c) Residential development may only be permitted on existing vacant lots of record, provided the structures are flood-proofed to the regulatory flood datum as permitted by the Conservation Authority.
- d) The creation of new lots for the purposes of non-agricultural residences shall not be permitted in the Site Specific Policy Area.
- e) The Municipality shall not approve any plans of subdivision within the Site Specific Policy Area.
- f) The minimum floor elevation of any accessory structures shall be determined in consultation with the Conservation Authority.

8.0 INFRASTRUCTURE POLICIES

8.1 INTRODUCTION

North Middlesex's networks and infrastructure, including all roads, sewers, watermains, electric, utility, waste disposal, and telecommunications facilities, play an important role in defining the Municipality. These systems are vital to community health, environmental responsiveness and economic competitiveness. The policies of this Plan, and specifically this Section, strive to ensure co-ordination between long-term growth management and infrastructure needs.

8.2 TRANSPORTATION NETWORK

8.2.1 General

The Transportation Plan, set out in Schedule "B" is based on the inter-relationship of land use and transportation. The roads are intended to be compatible with and support the land use pattern. The roads also facilitate the safe and efficient movement of both people and goods through the Municipality. The following general policies apply to the transportation network in the Municipality.

- a) The Municipality will review road corridors, in consultation with the County and the Province, to determine if a change in road classification is necessary.
- b) Safe and convenient pedestrian interfaces with roads will be encouraged.
- c) Where access is available to a local Municipal road, access to the County roads and Provincial Highways will be restricted.
- d) Development proposals that are likely to generate significant traffic shall be supported by a transportation study addressing the potential impact on the transportation network and surrounding land uses.

8.2.2 Road Pattern

The roads within the Municipality, both existing and proposed, are classified according to function. Where additional land is required for widening and extensions, such land shall be obtained wherever possible, in the course of approving plans of subdivision, consents or site plan agreements, without amendment to this Plan. Similarly, any change in the function of a road will not require an amendment to this Plan to change the classification depicted on Schedule "B".

8.2.3 Road Classifications

Public streets and roads in the Municipality shall be classified on the basis of jurisdiction, function, traffic characteristics, speed and interconnections. The classification of roads and the existing and proposed road system is shown on Schedule “B”. The following policies relate to the classification of roads.

8.2.3.1 Provincial Highways

The Provincial Highway under the jurisdiction of the Ministry of Transportation is Highway No. 4. The following policies relate to Provincial Highways illustrated on Schedule “B” of this Plan.

- a) Transfer of any Provincial Highway to another jurisdiction shall not require an amendment to this Plan.
- b) The Ministry of Transportation has jurisdiction and control over access to Highway No. 4 and development within the Ministry’s permit control area.
- c) Direct private access to the Provincial Highway will be restricted and will require the approval of the Province. Developments and private access driveways will be encouraged to use local roads and service roads wherever possible. Where access is a possibility, it will only be considered to those properties that meet the minimum safety and geometric requirements of the Ministry of Transportation.
- d) The Ministry of Transportation will determine the right-of-way width for the Provincial Highway.
- e) All development adjacent to the Provincial Highway will be subject to the safety and geometric requirements and permits of the Ministry of Transportation.

8.2.3.2 County Roads

The County road system includes County Roads No. 5, 6, 7, 12, 17, 18, 19, 20, 21, 24 and 81. These County roads serve the joint purpose of carrying moderate traffic volumes, as well as providing access to land. Transfer of any County road to another jurisdiction or the assumption of any road by the County shall not require an amendment to this Plan. The following policies shall apply to County Roads within the Municipality.

- a) The County shall address the adequacy of sight distances related to the road alignment and the avoidance of multiple individual access points when reviewing development applications on County roads.

- b) Where traffic speeds and volumes are higher adjacent to residential and other sensitive land uses, mitigating measures that attenuate noise and vibration factors shall be utilized.
- c) On high volume arterial roads, access limitations may be required. Access to all County Roads shall be subject to the approval of the County of Middlesex.

8.2.3.3 County Arterial Roads

County Roads Nos. 7, 17, 19, 20 and 81 are arterial roads designed to carry high volumes of traffic from Provincial Highways and other interregional roads to the County collector road system, and vice-versa. The following policies shall apply to County arterial Roads within the Municipality.

- a) Access from abutting properties must be approved by the County.
- b) The adequacy of sight distances related to the road alignment and the avoidance of multiple individual access points on County arterial roads shall be addressed when reviewing development applications.
- c) The minimum road right-of-way width shall be 36 metres. Within a Settlement Area, the minimum road right-of-way may be reduced to 20 metres.
- d) The setback from County arterial roads shall generally be 38 metres from the centre of the road in the rural area. Setbacks from arterial roads in the Settlement Areas shall be established in the Zoning By-law.

8.2.3.4 County Collector Roads

County Roads Nos. 5, 6, 12, 18, 21 and 24 are collector roads that are designed with the dual function of connecting and carrying moderate volumes of local traffic to County arterial roads, and distributing traffic to local roads, while providing access to abutting properties. The following policies shall apply to County collector roads in the Municipality.

- a) On-street parking may be permitted in the Settlement Areas, although location and time restrictions may be enforced in specific instances; for example, adjacent to schools or during peak periods of traffic demand.
- b) The minimum road right-of-way width for collector roads shall generally be 30 metres where possible. The minimum right-of-way width within a Settlement Area may be reduced to 20 metres.
- c) The minimum building setback from a collector road shall be 33 metres from the centre line of the road. The minimum building

setback in a Settlement Area will be established in the Zoning By-law.

8.2.3.5 Municipal Local Roads

The balance of the streets in the Municipal road system are classified as local roads. The following policies shall apply to Municipal local roads.

- a) Municipal local roads shall generally be two traffic lane roads with a minimum road right-of-way width of 20 metres designed to carry local traffic and to provide land access to abutting properties.
- b) Some Municipal local roads are only seasonally maintained. Nothing in this Plan shall be construed to imply specific seasonal road or maintenance improvement initiatives within the horizon of the Official Plan.

8.2.4 Road Improvements

As a measure of maintaining a satisfactory road system, the Municipality shall pursue a program of improving road alignments, surfaces, and pavement widths, and establishing adequate road allowances for new roads as future development occurs. The following policies shall apply to road improvements.

- a) Provision shall be made in the Zoning By-law for adequate setbacks for all new development, having regard for the width and function of the abutting road.
- b) Rights-of-way for long-term improvements should be designed to minimize future disruption to adjacent lands.
- c) Minor road widenings, re-alignments, by-passes, establishment of new roads, road reclassification or alteration of a proposed alignment will not require an amendment to this Plan.

8.2.5 Parking

The following policies shall apply to parking within the Municipality.

- a) Parking needs in the Central Areas of Ailsa Craig and Parkhill will be assessed in order to provide adequate off-street parking.
- b) Where property in the Central Areas of Ailsa Craig and Parkhill becomes available in suitable locations, the Municipality may acquire property to reduce parking deficiencies.
- c) All new development or redevelopment in the Central Areas of Ailsa Craig and Parkhill shall be encouraged to provide sufficient parking

on-site to accommodate the proposed use. If such parking cannot be provided, the Municipality may collect cash-in-lieu pursuant to Section 40 of the *Planning Act* to be used expressly for the provision of additional parking spaces in an appropriately defined area.

- d) Parking for all uses outside of the Central Areas of Ailsa Craig and Parkhill shall be provided on-site, in accordance with the standards established in the Zoning By-law.
- e) The implementing Zoning By-law shall establish the parking standards for all land uses.

8.2.6 Walking & Cycling

Bicycle and pedestrian trails and paths contribute to the establishment of healthy communities. This Plan recognizes the importance of cycling and walking. Accordingly, as a condition of its approval of a plan of subdivision, the Municipality may request the dedication of pedestrian and bicycle pathways.

8.2.7 Communication & Transmission

The continual advancement of telecommunications technology, coupled with the need for rapid information transfer have a significant impact on the future development within the Municipality. Telecommunications technology has, and will continue to have, a significant impact on the local economy.

To ensure the co-ordination between growth management and the maintenance and expansion of the technology sector, this Plan will:

- a) Protect and enhance existing communication and transmission corridors and networks, and encourage the development and maintenance of modern facilities to serve businesses and residents;
- b) Support the business community to establish a modern telecommunications network;
- c) Ensure that communication and transmission corridors are constructed, maintained and operated so as to minimize their impact on the community; and
- d) Encourage the multiple use of corridors for utility, transportation and trail uses.

8.2.8 Movement of Goods

The abandonment of the rail service to the Municipality has limited the available modes of transportation. Consequently, every effort shall be

made to ensure an efficient and effective road and air transportation system.

To ensure the co-ordination between growth management and the transportation systems, this Plan will:

- a) Facilitate the efficient movement of goods by road and air, by improving the level of service while maintaining community safety and minimizing risk;
- b) Ensure that appropriate road service is provided to employment areas;
- c) Ensure that designated commercial areas are serviced by roads with sufficient traffic capacity and volume;
- d) Discourage truck routes on local roads in residential neighbourhoods, in order to protect residents from noise and corridor emission pollutants.
- e) Ensure that noise, vibration and safety issues are addressed for land uses adjacent to major roads, in accordance with Section 8.2.8 of this Plan; and
- f) Encourage the protection of abandoned rail corridors for other linear uses.

8.2.9 Noise Levels

The following policies shall apply to noise levels within the Municipality.

- a) New residential development shall not be located in noise sensitive areas unless noise abatement techniques are employed to reduce the noise to an acceptable level.
- b) New residential development shall not be permitted in any area where it is anticipated that noise from vehicular traffic or from the nature of the use will exceed Ministry of the Environment standards.
- c) The noise generated by new commercial or industrial development shall not be transmitted to either existing or proposed residential areas at a level that exceeds that introduced by road traffic adjacent to or within the residential area.
- d) For any proposed development of a sensitive land use in proximity to a Provincial Highway and/or County road, a noise study shall be prepared by a proponent through a qualified acoustical consultant in accordance with the appropriate Provincial guideline to the satisfaction of the Ministry of the Environment, the County of

Middlesex, the Municipality, and/or other competent jurisdiction prior to development approval. The recommendations of the approved noise report shall be incorporated in the development agreement for implementation, as approved.

8.3 MUNICIPAL SERVICES

8.3.1 General

Both sewage and water systems shall perform within permitted operating standards. Limitations on the capacity or operating performance of these systems are recognized as a constraint to development. The Municipality will monitor treatment capacities and operational effectiveness of municipal services.

The Municipality may utilize alternative design standards without amendment to this Plan, where Council is satisfied that such techniques are in the best long-term interests of the Municipality and its residents.

8.3.2 Services in Urban & Community Settlement Areas

The following policies relate to municipal services in the Urban and Community Settlement Areas.

- a) All development in the Urban Settlement Areas shall be fully serviced by municipal piped water supply, sewage disposal and stormwater management systems.
- b) The Community Settlement Areas may be fully serviced subject to the completion of Class Environmental Assessment relating to extension of municipal sanitary services.
- c) Future development within the Community Settlement Areas shall proceed on the basis of full municipal services.
- d) 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.
- e) In Urban and Community Settlement Areas, priority shall be given to the development of those lands that are presently serviced by piped sewer and water systems, or those areas that can most easily be serviced, at minimal expense to the Municipality.
- f) Infilling of vacant areas within the Urban and Community Settlement Areas which are already provided with full municipal services is encouraged, and shall be a criteria when evaluating

proposed plans of subdivision, consents, extension of utilities or the construction of roads.

8.3.3 Services Outside of Urban & Community Settlement Areas

The following policies shall relate to services outside of the Urban and Community Settlement Areas.

- a) The main means of sewage disposal in rural areas of the Municipality, including the Hamlet Settlement Areas, is the septic tank and weeping tile system. It is anticipated that such systems or other private sewage disposal systems will continue to be the principal means of sewage disposal outside of Urban and Community Settlement Areas. The installation of septic systems is subject to the approval of the authority having jurisdiction.
- b) Municipal sewage systems shall generally not be provided to areas outside of Urban and Community Settlement Areas.
- c) The Municipality and or appropriate agency shall approve all new septic tank and tile or leaching bed systems. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection.
- d) Communal servicing systems to service new development shall not be permitted in the Municipality. The Municipality shall not assume any communal servicing systems in the Municipality and shall not execute a responsibility agreement in relation to communal servicing systems.
- e) Holding tanks shall not be permitted for new development. Holding tanks will only be permitted for existing development where the Municipality is satisfied that there is no other alternative to solve a deficiency with an existing septic system. Should a holding tank be permitted, the Municipality shall ensure that appropriate provisions are in place for disposal at an approved facility.
- f) Any lot affected by an application for severance or plan of subdivision shall be sized such that there is sufficient space for a building envelope, sewage envelope, and potable water supply.
- g) Minimum lots size requirements shall be established in the Zoning By-law.

8.3.4 Servicing Allocation

When unallocated servicing capacity does not exist for a proposed development, Council shall refuse or defer the processing of the planning

application until such capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development within one year of the granting of the preliminary planning approval. Draft approved plans of subdivision may only proceed to registration provided that sufficient servicing capacity continues to exist.

8.3.5 Stormwater Servicing

Further to the policies of Section 7.2 of this Plan, applications for plans of subdivision and site plans shall be supported by stormwater management reports, prepared in accordance with the policies of 9.6.5 of this Plan. It is the policy of the Municipality to:

- a) use stormwater management measures to manage the storage and control the flow of water to receiving watercourses;
- b) use stormwater management measures which prevent siltation and erosion, and do not negatively impact the water quality of receiving watercourses;
- c) 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;
- d) employ the best available methods in the planning, construction and eventual use of the stormwater management systems; and
- e) ensure that the design of stormwater management facilities consider long-term maintenance and safety requirements.

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

8.3.6 Capital & Public Works

The extension or construction of capital or public works shall be carried out in accordance with the policies of this Plan. Council shall prepare annually and adopt without amendment to this Plan, a five year capital works program in accordance with the policies of this Plan. This program shall be cognisant of changing conditions of supply and demand for services, and significant changes in economics and technology.

Public buildings, structures, infrastructure, easements or rights-of-way may be considered within any designated area if suitable buffering and screening from adjacent uses is provided.

8.3.7 Waste Management

Waste Disposal Sites are denoted on Schedule “A” of this Plan. The following policies shall apply.

- a) New waste disposal sites will require an amendment to this Plan, in accordance with Section 9.6.1 of this Plan. Notwithstanding the general nature of the denotation of waste disposal sites in this Plan, the expansion of existing waste disposal sites shall proceed by way of Official Plan Amendment, in accordance with Section 9.6.1 of this Plan. Prior to approval of the Official Plan Amendment, new waste disposal sites or expansions, shall obtain a Certificate of Approval from the Ministry of the Environment.
- b) New waste disposal sites shall locate within the Industrial Area Land Use Designation and be subject to the applicable policies of Section 5.6 of this Plan.
- c) Development proposals within 500 metres of either an active or closed landfill/waste disposal site shall be accompanied by a study prepared by the proponent which evaluates the presence and impact of environmental contaminants including methane gas, leachate in soils and groundwater. The study shall address any mitigation measures required.
- d) Council will co-operate with all levels of government and other agencies to promote public awareness of waste issues and in promoting waste diversion strategies (reduce, reuse, recycle) as well as other alternative waste management techniques.
- e) Redevelopment of closed Waste Disposal Sites may be permitted in accordance with the underlying land use designation or by way of Official Plan Amendment, upon the Municipality consulting with the Ministry of Environment and/or other appropriate jurisdiction, and subject to the following policies:
 - i) Written approval has been received from the Ministry of Environment, and/or other appropriate jurisdiction, that the development satisfies the provisions of the *Environmental Protection Act*;
 - ii) The studies required by the Ministry of Environment shall be carried out to the satisfaction of the Municipality and shall demonstrate that development is compatible and can proceed without unmitigated negative impact;

- iii) The Municipality shall require the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
 - iv) The studies of gas, leachate and hydrogeology, shall be carried out by a qualified engineer; and
 - v) The Municipality shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of any and all structures.
- f) Given the potential impacts, in areas subject to the Waste Disposal Site policies, only land uses compatible with waste disposal sites and the associated engineered controls will be permitted.
- g) Lands associated with a Waste Disposal Site shall be placed in a zone in the Zoning By-law that does not permit buildings or structures as an interim measure. When such areas are deemed suitable for development, a Zoning By-law Amendment may be initiated, subject to the policies of Sections 9.6.2.

9.0 IMPLEMENTATION & PLANNING ADMINISTRATION

9.1 INTRODUCTION

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.

This Official Plan shall be implemented by means of the powers conferred upon the Municipality by the *Planning Act*, the *Municipal Act* and other statutes as may be applicable. In particular, the Official Plan shall be implemented by the enactment of zoning by-laws, property standards and occupancy by-laws and the undertaking of public works.

9.2 OFFICIAL PLAN MONITORING & REVIEW

Changing conditions may necessitate the need for amendment to this Plan. In accordance with the provisions of the *Planning Act*, Council shall monitor and review this Plan every five years to ensure that the policies within it are appropriate. 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*. Where judicial or quasi-judicial decisions, including those of the Ontario Municipal Board, materially impact the interpretation or intent of the policies of this Plan, Council may choose to review said policies at any time.

9.3 ZONING BY-LAW & OTHER BY-LAWS

The Municipality shall prepare and Council shall adopt a Comprehensive Zoning By-law that will be in conformity with the principles, policies and land use designations contained in this Plan. The By-law shall make provisions for adequate development standards. The By-law shall establish specific zones and permitted uses that reflect the policies and land use designations of this Plan. Within each land use designation, more than one zone may be established to ensure that the policies of this Plan are properly implemented.

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.

9.3.1 Holding Provisions

It is not intended to zone all lands for the uses designated in this Plan. Holding zones may be established in order to achieve orderly development and ensure that policies established in this Plan have been met. Council may place a holding symbol on the zone that prevents development from occurring until the Municipality is satisfied that certain conditions have been met, allowing the Municipality to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding. Specific actions or requirements for the lifting of the holding provision shall be set out in the by-law amending the Municipality's Zoning By-law. These actions or requirements include, but are not necessarily limited to, the following:

- a) The provision of adequate services or road works;
- b) The completion of environmental contamination remediation;
- c) The completion of an appropriate EIS;
- d) The completion of a development or the subdivision of land, including the negotiation of a subdivision or development agreement; and
- e) That site plan approval has been granted by the Municipality, and a site plan agreement has been entered into, pursuant to the provisions of the *Planning Act*.

9.3.2 Interim Control By-laws

The Municipality may establish interim control by-laws in accordance with the relevant sections of the *Planning Act*, in order to control the use of land, buildings or structures within specifically identified areas for a specified period of time not exceeding two years in length.

9.3.3 Temporary Use By-laws

The Municipality may pass a temporary use by-law to allow a use otherwise prohibited by the Zoning By-law. A temporary use by-law will define the land or lands to which it applies, and shall prescribe the period of time during which it is effect, which shall not exceed three years from the day of the passing of the by-law. Council may extend this period by

passing further by-laws. Temporary use by-laws shall not be passed for the purpose of permitting uses that are not in conformity with this Plan.

In enacting a temporary use by-law, Council shall consider the following:

- a) The compatibility of the proposed use with the surrounding land uses;
- b) The adequacy of any services that may be required for the proposed use;
- c) Access and parking requirements;
- d) Traffic impacts; and
- e) The conformity of the proposed use with the policies of this Plan.

9.4 COMMUNITY IMPROVEMENT PLANS

A specific area within the Municipality may be declared a Community Improvement Project Area under the *Planning Act* in order to carry out the maintenance, rehabilitation, redevelopment or improvement of infrastructure, services, buildings or facilities. The following policies shall apply with respect to Community Improvement Project Areas:

- a) Throughout the development of a Community Improvement Plan, the Municipality shall involve the residents of the affected areas in the identification of service level deficiencies and priorities.
- b) Council may designate part of the Municipality as a Community Improvement Area in compliance with the provisions of the *Planning Act*. Council may designate a Community Improvement Project Area based on the following applicable criteria:
 - i) Municipal services such as sidewalks, curbs, gutters, sewers, water, roads, street lighting are deficient, or have deteriorated and are below the municipal standard;
 - ii) Community and recreational facilities such as parks, community centres, libraries, arenas, gymnasiums, ball diamonds and similar type facilities are deficient or have deteriorated;
 - iii) Incompatible land uses that result in conflicts (such as noise or traffic from industrial uses in residential areas);
 - iv) The buildings and structures are in need of rehabilitation;

- v) Heritage resources need to be preserved, rehabilitated or renewed;
 - vi) Commercial or industrial buildings have a high vacancy rate;
 - vii) There is a parking or loading space deficiency;
 - viii) There is inadequate storage facilities;
 - ix) There is evidence of contamination from a previous use, which has rendered lands undevelopable until remedial action is taken;
 - x) There is a demonstrated need to improve the streetscape and/or physical amenities of an area; and/or
 - xi) There is the potential for, or existence of, a Business Improvement Area;
 - xii) There is a need for construction and improvements to energy efficiency;
 - xiii) There is a demonstrated need for the provision of affordable housing.
- c) Council may implement the Community Improvement Plan policies by the following means:
- i) Participation in senior government programs that provide financial assistance for community improvement;
 - ii) Encouragement of the continuation and enlargement of the Business Improvement Area to enhance and maintain the viability of the commercial area;
 - iii) Use of municipal authority granted under the provisions of the *Planning Act* to designate Community Improvement Project Areas, adopt Community Improvement Plans and acquire and develop land;
 - iv) Encouragement of infill development in appropriate areas;
 - v) Enforcement of the Property Standards By-law;
 - vi) Co-operation with school boards, local municipal boards, service clubs, business organizations, educational institutions and other organizations to promote and facilitate the utilization of existing facilities and, where feasible, to

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- rehabilitate these facilities to offer new and/or better services to the community;
- vii) Encourage the rehabilitation of private buildings by advising property owners of government subsidies and programs, and assisting where possible, the property owners in obtaining grants;
 - viii) Where conflicting land uses occur in Community Improvement Areas, endeavouring to limit the expansion of these uses and encouraging and/or assisting in the relocation of the offensive use;
 - ix) Where contamination exists, offer tax equivalent grants or loans to facilitate site remediation; and/or
 - x) Support the historic preservation of significant buildings and sites through application of the *Ontario Heritage Act*;
 - 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.

9.5 SECONDARY PLANS

Secondary plans shall be prepared to plan for large tracts of land for growth and new development within Settlement Areas. As this Plan accommodates anticipated future growth and development for the 20-year planning horizon, the need for secondary plans is not anticipated. Should tracks of land for growth and development be identified as a result of subsequent reviews of this Plan, a secondary plan shall be required prior to development. The following policies shall apply to the preparation of secondary plans:

- a) The establishment of a secondary plan area shall account for any existing urban uses within the area.
- b) Secondary plans may be used to establish unique or more detailed land use policies or land use distributions than that of this Plan.
- c) Secondary plans shall establish the location of key community services and amenities including schools, parks and related uses.
- d) Secondary plans shall be adopted as amendments to this Plan and therefore shall be treated as an amendment to the Official Plan.

- e) The preparation of a secondary plan and establishment of a secondary plan area must be approved by resolution of Council.
- f) The costs of preparing a secondary plan shall be borne by the proponent, and not the Municipality.
- g) The goals, objectives and policies of this Plan shall be maintained in any secondary plans.

9.5.1 Supporting Requirements for Secondary Plans

The Municipality, in order to provide the appropriate background information for the any secondary plan, may require the undertaking of a number of background reports. These may include, but shall not be limited to:

- a) A determination of natural heritage features.
- b) A master servicing plan.
- c) A stormwater management study.
- d) A comprehensive traffic impact analysis that will assess long-term traffic implications of the area on the County road system and provincial highway system, where applicable. The traffic impact analysis report shall be reviewed and approved by Middlesex County and the Ministry of Transportation, where applicable.
- e) A planning justification to address:
 - i) The integration of proposed new development with the existing development;
 - ii) The distribution of proposed land uses;
 - v) The range of housing styles and densities;
 - vi) Neighbourhood commercial uses to service the residential areas;
 - vii) Linkages between the residential areas, parks, schools, recreational areas and institutional facilities; and
 - viii) The impact on adjacent agricultural operations, including consideration of Minimum Distance Separation Formulae.

9.5.2 Contents of Secondary Plans

Secondary Plans shall generally include the following:

- a) A statement of the basis or rationale for the preparation of the Secondary Plan;
- b) A description of the area under study, including a reference map, and the role and relationship of the area to the Municipality as a whole;
- c) A description of the current land use, ownership, built and natural environment, and infrastructure in the area;
- d) A statement of the desired land use arrangement for the area;
- e) Goals and objectives appropriate for the area including a statement of how they are in keeping with the Goals and Objectives of this Plan;
- f) Concept plan(s) showing, where appropriate, the following:
 - i) Land use designations of the desired type and pattern of development with due consideration to the community design policies of this Plan;
 - ii) The nature and location of public facilities;
 - iii) The desired transportation network for the area and its links to the existing transportation network of the Municipality;
 - iv) The nature and location of municipal services;
 - v) The identification, protection and integration of significant cultural, built and natural heritage features; and
 - vi) The phasing of development and infrastructure.
- g) Specific policies and strategies for achieving the goals and objectives established for the area that complement the policies of this Plan.

9.6 PLANNING TOOLS & DEVELOPMENT CONTROL

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.

9.6.1 Official Plan Amendments

The Municipality shall consider all applications to amend this Official Plan, and shall notify the public, Middlesex County and various Provincial Ministries and other agencies in accordance with the requirements of the *Planning Act*. The following policies shall apply to the consideration of applications to amend this Plan:

- a) Applications to amend this Plan shall include a justification report for the proposed change, prepared by the applicant. This shall include, but not be limited to, information regarding the proposed use, servicing, density if applicable, floor area if applicable, lot layout and site plans as appropriate and applicable.
- b) Applications for Official Plan Amendment shall be carried out in accordance with the relevant policies and procedures outlined in the Land Use Policies of this Plan and the policies of Section 9.6.1 c).
- c) Council shall consider the following criteria where reviewing applications to amend this Plan:
 - i) The manner in which the proposed amendment conforms to prevailing Provincial policy and regulations;
 - ii) The manner in which the proposed amendment conforms to the Middlesex County Official Plan;
 - iii) The manner in which the proposed amendment conforms to the goals, objectives and policies of this Plan;
 - iv) The manner in which the proposed amendment conforms to the Municipal Strategic Plan;
 - v) The impacts of the proposed amendment on the provision of and demand for municipal services, infrastructure and facilities;
 - vi) The adequacy of the proposed servicing solution with respect to the servicing policies of this Plan;
 - vii) The impact of the proposed amendment on surrounding lands uses, the transportation system, municipal services and community amenities and services;
 - viii) The impact of the proposed amendment on the hierarchy of Settlement Areas and the structure and nature of the Urban, Community and/or Hamlet Settlement Areas;

- ix) The impact of the proposed amendment on cultural and/or natural heritage features;
- x) The impact of the proposed amendment on the finances of the Municipality; and
- xi) Any other information determined to be appropriate and applicable.

9.6.2 Zoning By-law Amendments

Pursuant to Section 9.2 of this Plan, the Municipality shall prepare a Comprehensive Zoning By-law. The Zoning By-law shall be maintained and administered by the Municipality, and may be amended at Council's discretion. The Municipality shall consider all applications to amend the Zoning By-law and shall provide notice of such application in accordance with the provisions of the *Planning Act*. The Municipality shall refuse all applications to amend the Zoning By-law that do not conform with this Plan and the amendments hereto.

9.6.3 Minor Variances

The Committee of Adjustment shall deal with all applications for minor variances to the provisions of the Zoning By-law. The Committee of Adjustment shall deal with such applications in accordance with the relevant provisions of the *Planning Act*. The decisions of the Committee of Adjustment shall also comply with the provisions of this Plan and the Zoning By-law, as well as the Middlesex County Official Plan. 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.

9.6.4 General Consent Policies

Applications for consent shall be considered on the basis of the underlying land use designation and the associated consent policies of this Plan. While the Committee of Adjustment shall deal with all applications for consent in accordance with the relevant provisions of the *Planning Act*, applications that do not conform to the policies of this Plan shall not be approved. The decisions of the Committee of Adjustment shall be consistent with the Provincial Policy Statement and conform to the Middlesex County Official Plan.

In addition to the specific land division and consent policies associated with each land use designation, the following policies shall apply to applications for consent:

- a) Consents should only be granted when it is clearly not necessary or in the public interest that the land be developed by plan of subdivision. Plans of subdivision shall be the preferred method of land division. Plans of subdivision will be required and applications for consent will not be approved under the following circumstances:
 - i) More than three (3) lots (two severed and one retained) from a land holding are being created;
 - ii) The subdivider owns other land which is available and suitable for development and which lies adjacent to the lots proposed to be created;
 - iii) Lots created require a new road for the provision of access;
 - iv) The provision or extension of municipal services (water and/or sewer, as appropriate) is required; or
 - v) Other matters that may arise during the review of the proposed development.

- b) Notwithstanding Section 9.6.4.a.i, the requirement for a plan of subdivision may be waived for infilling of up to four (4) lots having frontage on a public road that is maintained on a year-round basis in an area serviced by municipal water and sanitary sewers.

- c) If a plan of subdivision is not deemed necessary, regard shall be had to the other policies within this Plan and to the following criteria when considering an application for consent:
 - i) Consents shall only be granted when the land fronts onto an existing and assumed public road that is maintained on a year-round basis;
 - ii) Consents should have the effect of infilling in existing areas and not extending existing development;
 - iii) Creation of the lot does not compromise the long-term use of the remaining land or retained parcel; and
 - iv) Consents may be considered for large parcels, where future development of the large parcels is to proceed by plan of subdivision.

- d) The size of any parcel of land created by consent should be appropriate for the use proposed, considering the level of services available and the soil conditions. No parcel shall be created which does not conform to the provisions of the Zoning By-law, except where a minor variance has been secured, in accordance with Section 9.6.3 of this Plan.
- e) Consents for building purposes shall not be permitted under the following circumstances:
 - i) The division of land is located within any Natural Heritage Features, as defined by this Plan, and a suitable building site cannot be found through the preparation of an Environment Impact Assessment;
 - ii) The division of land is located in a floodplain;
 - iii) The division of land is located on or within 75 metres of a significant aggregate, mineral or petroleum resource deposits, as identified by the Province;
 - iv) Provincial or County transportation objectives, standards or policies cannot be maintained; or
 - v) The created and retained parcels cannot be provided with an adequate level of service.
- f) On the granting of an application for consent, conditions may be imposed on the severed and retained parcels.
- g) Compliance with the Minimum Distance Separation Formulae shall be required.
- h) Subject to the specific Land Use Policies of this Plan, consents may be permitted for the purposes of making lot boundary corrections, for the purposes of granting easements, for conveyances and consolidations, provided that such matters are either administrative or minor in nature.

9.6.5 Subdivision Control

All lands with the Municipality shall be subject to subdivision control pursuant to the *Planning Act*. Applications for subdivision approval shall be considered on the basis of the underlying land use designation and the associated subdivision policies of this Plan. While the Municipality shall deal with all applications for subdivision approval in accordance with the relevant provisions of the *Planning Act*, applications that do not conform to the policies of this Plan shall not be approved.

The following policies shall apply to plans of subdivision:

- a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.
- b) Prior to approval of an application for plan of subdivision approval, the Municipality will confirm the availability of adequate servicing infrastructure and allocation in accordance with Section 8.3, waste collection and disposal services, and roads.
- c) Applications for plan of subdivision approval shall be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision approval to be premature.
- d) The review of plans of subdivision will be based in part on the consideration of the general community design policies included in Section 4.2 of this Plan.
- e) All lots within a plan of subdivision shall have frontage on a public road maintained on a year round basis, and constructed to an acceptable Municipal standard.
- f) Natural heritage features and areas shall be protected and preserved in the design of any plan of subdivision.
- g) Plans of subdivision shall be appropriately phased to ensure orderly and staged development.
- h) All plans of subdivision shall be subject to a subdivision agreement between the Municipality and the development proponent.
- i) Parkland dedication shall be provided pursuant to Section 9.10 of this Plan. Land to be dedicated for park purposes must be acceptable to the Municipality. Under no circumstances shall the Municipality be obligated to accept parkland being offered in a proposed plan of subdivision.
- j) The Municipality will consult with the County, Conservation Authority and relevant Provincial ministries in considering an application for approval of a plan of subdivision.

9.6.6 Site Plan Control

The Municipality of North Middlesex will utilize site plan control as provided for in the *Planning Act*. The following policies shall apply to site plan control:

- a) Subject to the detailed Land Use Policies of this Plan, the site plan control area shall apply to the entire Municipality.
- b) Where development consists of single detached, duplexes or semi-detached dwellings, site plan control shall not apply, except in cases where specifically required by this Plan, such as in cases where development is proposed on identified Hazard Lands.
- c) Where development consists of farm operations, farm buildings and the residence of the farm operator, site plan control shall not apply, except in cases where specifically required by this Plan, such as where a home occupation or on-farm secondary business is proposed, or in cases where an intensive livestock operation is proposed.
- d) The Municipality will require proponents to execute a site plan agreement under circumstances where there is construction of more than one (1) building or structure, where the size of a building is to be substantially increased, where there is the development of a parking lot, and/or in other circumstances deemed appropriate by Council.
- e) The Municipality shall consult the County, the Conservation Authority and any other agencies when considering applications for site plan approval, where applicable.
- f) The Municipality may apply certain conditions to site plan approval, and may require that a certain standard of design be applied.
- g) The Municipality will require financial security through bonding or other financial arrangement prior to development.
- h) Where land is designated as a site plan control area and it abuts a road under the jurisdiction of the County, prior to development, the County shall require in those circumstances where the right-of-way is less than 36 metres (118 feet) that land be dedicated to the County, at no expense to the County, for the widening of the road so as to establish a right-of-way 18 metres (59 feet) on each side of the centreline of the existing pavement. Within a Settlement Area, where the road has been constructed, the road dedication may not be required.

9.6.7 Development Permit System

Council may, at an appropriate time, choose to enact a By-law to implement the Provincial Development Permit System, relating to the streamlining of zoning by-law amendments, minor variances and site plan control.

9.6.8 Maintenance & Occupancy By-law

Council may enact by-laws pursuant to the *Ontario Building Code Act*, setting forth minimum standards for the maintenance and occupancy of all buildings and properties. Any such by-law shall apply throughout the Municipality. These by-laws should have regard for any or all of the following matters or related items and set appropriate standards or conditions for:

- a) The physical conditions of vacant land, yards and passageways including the accumulation of debris and rubbish;
- b) The adequacy of sanitation including drainage, waste disposal, garbage and pest control;
- c) The physical condition of accessory buildings; and,
- d) The physical conditions of dwellings or dwelling units, institutional, commercial and/or industrial buildings, structures and properties.

Any such by-law may require that substandard properties be repaired and maintained to comply with the standards, prohibit the use of a substandard property and require the demolition and clearing of such property which the owner does not intend to repair and maintain.

Upon passing a Maintenance and Occupancy By-law, Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law. Council shall also appoint a Property Standards Committee for the purpose of hearing appeals against any order issued by the Property Standards Officer.

9.7 SUPPORTING STUDY REQUIREMENTS AND COMPLETE APPLICATIONS

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 associated with such peer review will be borne by the applicant.

The Municipality may establish a public participation program as part of 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.

9.7.1 Environmental Impact Studies

An Environmental Impact Study (EIS) is required for all development proposals within or abutting those lands identified in the policies of Section 7.3. The EIS or scoped EIS shall also delineate all areas where development, re-development and site alteration shall not occur.

9.7.1.1 Scoped Environmental Impact Studies

The EIS required in this Section shall be prepared to the satisfaction of the Municipality and Ausable Bayfield Conservation Authority. A scoped EIS may be required for consent or minor variance applications or prior to issuance of a building permit in circumstances where no other development application approvals are required. The nature and scope of a particular development proposal will serve to define the type of EIS and review criteria to be addressed

Scoped Environmental Impact Studies required for developments proposed on or adjacent to Natural Heritage features indicated on Schedule "C", shall address the following:

- a) A description of the proposed use;
- b) A description of the significant natural features and their functions that will be affected or that might reasonably be expected to be affected, directly or indirectly;
- c) A description of the effects that will be caused or that might reasonably be expected to be caused to the significant features by the proposed use; and
- d) A description of the actions necessary to prevent, change, mitigate or remedy the effects upon or might reasonably be expected upon the significant features.

9.7.1.2 Full Environmental Impact Studies

The EIS required in this Section shall be prepared to the satisfaction of the Municipality, in consultation with the Ausable Bayfield Conservation Authority and the Ministry of Natural Resources. The Ministry of Natural Resources and Ausable Bayfield Conservation Authority shall be consulted as to the nature and extent of the physical hazard and/or sensitive features. The Ministry of the Environment, County of Middlesex, or other appropriate agencies may also be consulted. The EIS shall be completed prior to: the subject land being rezoned, unless part of an approved draft plan of subdivision for which an EIS has already been completed; approval of a site plan; or approval of a draft plan of subdivision or condominium. If a development requires an amendment to this Plan, the EIS shall be completed prior to the adoption of the amendment. Only one EIS will be required per development proposal, irrespective of the number of development application approvals required. To assist the Municipality in determining the adequacy of the EIS, Council may require a peer review, paid for by the proponent, in addition to the review of the Conservation Authority and the Ministry of Natural Resources.

The EIS shall include:

- a) A description of the proposed use;
- b) A description of the significant features that will be affected or that might reasonably be expected to be affected, directly or indirectly;
- c) A description of the effects that will be caused or that might reasonably be expected to be caused to the sensitive features;

- d) A description of alternative forms that the proposed use could take and an evaluation showing the advantages and disadvantages of each alternative with respect to the sensitive features;
- e) A description of the actions necessary to prevent, change, mitigate or remedy the effects upon or might reasonably be expected upon the sensitive features;
- f) The requirements of the County of Middlesex Development Assessment Report Terms of Reference; and
- g) Any site-specific requirements deemed to be appropriate and necessary by the Municipality in consultation with the County and Conservation Authority.

9.7.1.3 Policies

The following policies shall apply to the preparation of Environmental Impact Studies:

- a) In the preparation and review of an EIS, the Ministry of Natural Resources, County of Middlesex and the Ausable Bayfield Conservation Authority shall be consulted as to the nature and extent of the physical hazard and/or sensitive features. The Ministry of the Environment shall be consulted on an as-needed basis. The EIS shall be prepared to the satisfaction of the aforementioned agencies.
- b) If the Municipality, upon reviewing the EIS, is satisfied that the proposed use will not have a detrimental impact on the natural environment or natural heritage feature and/or that physical hazards do not exist, then the Municipality may rezone the land, adopt the Official Plan Amendment, execute the site plan agreement or grant draft approval to the plan of subdivision or condominium, whatever the case may be.
- c) If the Municipality is of the opinion, upon reviewing the EIS, that the proposed use will have a detrimental impact on the natural heritage feature and/or physical hazard, and mitigative techniques are required, the Municipality may permit the proposed use subject to such terms and conditions that the Municipality deems appropriate. If the detrimental impact of the proposed use on the natural heritage feature and/or the physical hazard cannot be adequately mitigated, then the development shall not be permitted.

9.7.2 Environmental Site Assessments for Potentially Contaminated & Brownfields Sites

The development or re-development of potentially contaminated and waste disposal sites, shall be assessed and remediated in a manner consistent with the relevant Ministry of the Environment guidelines and procedures. Proponents of application(s) for Official Plan Amendment, Zoning By-law Amendment, plan of subdivision and/or condominium or site plan approval shall be required to submit a Phase I Environmental Site Assessment (ESA) for the lands subject to the application(s). If, in the Municipality's opinion, the ESA is not necessary due to the previous uses on the land or that the proposed use will not result in adverse effects, this requirement may be waived.

Proponents shall submit all information related to the Environmental Site Assessment to the Municipality for a peer review prior to the scheduling of a public meeting under the *Planning Act*. In the case of an application for site plan approval, the ESA shall be submitted with the application. The development proponent shall pay for the cost of the peer review. The following process shall be followed:

- a) If the site has not yet been remediated for the proposed development, the proponent shall submit a Phase I ESA report to the Municipality for review and concurrence by a peer reviewer prior to the scheduling of a Public Meeting under the *Planning Act*;
- b) If the Phase I ESA report identifies actual or potential contamination, the proponent shall submit a Phase II ESA report to the Municipality for review and concurrence by a peer reviewer prior to the scheduling of a Public Meeting under the *Planning Act*; and
- c) If the Phase II ESA confirms the presence of contamination, the proponent shall submit a Remedial Action Plan (Stage 1 of Phase III ESA) to the Municipality for review and concurrence by a peer reviewer prior to adoption by Council of the development proposal. The proponent shall submit documentation covering the implementation of the Remedial Action Plan (Stage 2 of the Phase III ESA) and the Phase IV ESA to the Municipality for review and concurrence by a peer reviewer prior to issuance of a building permit.

9.7.3 Stormwater Management Studies

The Municipality may require a development proponent to submit studies of stormwater runoff and its impact on the water quality and quantity of receiving watercourses, and upstream and downstream properties. The Municipality, Conservation Authority and the Ministry of the Environment

shall approve Stormwater Management studies. Proposals of development shall be required to:

- a) Use stormwater management measures to manage the storage and controlled flow of water to receiving watercourses;
- b) Use stormwater management measures that prevent siltation and erosion, and do not negatively impact the water quality of receiving watercourses;
- c) Consider, where appropriate, enhancing the vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourses;
- d) Employ the best available methods in the planning, construction and eventual use of the stormwater management systems; and
- e) Consider long-term maintenance and safety requirements in the design of the stormwater management facility(ies).

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*.

9.8 PUBLIC CONSULTATION & PARTICIPATION

The Municipality shall provide the opportunity for residents to become involved and participate in the planning process in accordance with the policies of this Plan and the requirements of the *Planning Act*. The following policies shall apply to public consultation and participation:

- a) The Municipality will use a variety of techniques to encourage the participation of the public when Council is considering changes to this Plan. Subject to the requirements of the *Planning Act*, Council may establish the public consultation program it feels will best deal with the matters before it.
- b) The Municipality shall provide notification of any amendment to this Plan in accordance with the requirements of the *Planning Act*, and may consider additional notice to ensure that all residents in the Municipality are aware of the amendment.
- c) The Municipality shall require a pre-submission consultation on privately-initiated applications processed under the *Planning Act*.
- d) Council recognizes that the provisions of the *Planning Act* require it to take action on a development application within a prescribed period of time, subject to the application being complete and the provision of adequate information about the proposal to the public and Council so that informed decisions can be made.

9.8.1 Notice Procedures

The following policies shall apply for public notice procedures:

- a) Notice for an Official Plan Amendment, a Community Improvement Plan or a Secondary Plan, shall be in the form prescribed by the *Planning Act* which includes the holding of a public open house where required as well as a public meeting.
- b) Notice for a Zoning By-law Amendment shall be given in the form prescribed by the *Planning Act* which includes the holding of a public open house where required as well as a public meeting.
- c) Notice for a public meeting for a Plan of Subdivision shall be given in the form prescribed by the *Planning Act*.

- d) Council may, at any time, adjourn a public meeting to be continued at a later time, if a time and place for reconvening is announced to the public at the meeting.
- e) Where notice is provided as required herein or as prescribed in the *Planning Act*, Council may provide additional notice between the required minimum notice being given and the date of the public meeting.
- f) Where the notice of the passing of a By-law is sent out, the Municipality may attach a copy of the By-law and schedule, if there is one. If it is deemed more appropriate by Council, a detailed explanation of the By-law may be used to inform the public.
- g) For the purposes of this Section, Council shall mean either the Council or any committee established or individual appointed thereunder to conduct the public meeting.

9.9 FINANCIAL MANAGEMENT

The implementation of this Plan must be financially viable. This Plan shall be managed to ensure that the required capital expenditure to provide the services for development and improvement are paid in an equitable and appropriate manner. The Municipality plays a role in ensuring optimal service delivery and in implementing the Plan. The following policies shall apply to financial management and implementation of this Plan:

- a) The Municipality shall recover all growth-related capital costs through development charges, in accordance with Provincial legislation.
- b) The Municipality may pass development charges by-laws that apply to the Municipality, as a whole and/or that apply to specific geographic areas within the Municipality.
- c) The Municipality reserves the right to request a Municipal Financial Impact Assessment for any development application. Development applications or proposals that otherwise comply with the relevant policies of this Plan may be refused on the basis of financial impact and burden on the Municipality, if suitable mitigation measures are not available.

9.10 PLAN ADMINISTRATION

9.10.1 Existing Uses

The following policies shall apply to existing uses in the Municipality:

- a) Nothing in this Plan shall affect the continuance of uses legally existing on the date this Plan was adopted by Council.
- b) Council may recognize the existing use of land in the implementing Zoning By-law. However, Council in co-operation with residents will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of this Plan.
- c) Existing non-farm dwellings in areas designated as Agricultural Area, Restricted Agricultural Area or Urban Fringe Area, which are not permitted by this Plan, may be recognized in the Zoning By-law. This Plan will not prevent such dwellings from being expanded or renovated provided that the provisions of the implementing Zoning By-law are complied with.

9.10.2 Non-Conforming Uses

Any land use existing on the date this Plan was adopted by Council that does not conform to the land use designations or policies contained herein shall be termed non-conforming. The following policies shall apply to non-conforming uses:

- a) Non-conforming uses should ultimately cease to exist so that the land affected may revert to a use in conformity with the intent of this Plan.
- b) In special instances, it may be desirable to permit the extension or enlargement of a non-conforming use to avoid unnecessary hardship. Such extensions or enlargements shall be dealt with pursuant to Sections 34(10) or 45(2) of the *Planning Act*.

9.10.3 Non-Complying Uses

Where an existing use of land is permitted within the applicable zone in the Municipality's Zoning By-law, but the buildings or structures located on the property do not meet one or more of the provisions or regulations of the applicable zone, the use shall be considered to be legal non-complying. Applications for the expansion, alteration or addition of the non-complying use shall be considered by way of Zoning By-law Amendment or minor variance, depending on the nature of the proposal.

9.10.4 Land Acquisition

The Municipality may acquire land to implement any feature of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act*, or any other Act. Municipal land assembly shall be permitted for residential, commercial and industrial uses, provided such activity complies with the policies of this Plan.

9.11 PARKLAND DEDICATION

The Municipality shall secure the maximum benefit of Sections 42 and 51.1 of the *Planning Act* with respect to land dedication for park development. The following policies shall apply to parkland dedication:

- a) Parkland dedication shall be calculated based on the total gross area of the land within the plan of subdivision and/or site plan.
- b) Where land is to be developed for residential purposes, Council may require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the following criteria or combination:
 - i) Development densities of 25 units per hectare or less will require up to five percent (5%) land dedication.
 - ii) Development of densities greater than 25 units per hectare will require a dedication at a rate of one hectare per 300 units.
- c) Where land is developed or redeveloped for industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of two percent (2%) of the land proposed for development.
- d) Where land is developed or redeveloped for any use other than residential, industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of five percent (5%) of the land proposed for development.
- e) If part of the area for development or redevelopment is not required for park purposes, then cash-in-lieu of the land dedication may be accepted to be paid into a special account and used as specified in Sections 42 and 51.1 of the *Planning Act*.
- f) Where new development is proposed on a site, part of which has physical limitations or hazards, then such lands shall not necessarily be acceptable as part of the five percent land dedication under Sections 42 and 51.1 of the *Planning Act*. All lands dedicated to the

Municipality shall be conveyed in a physical condition satisfactory to the Municipality.

- g) As a condition of draft plan of subdivision approval, the proposal shall be required provide a park facilities design satisfactory to the Municipality for any park with the plan of subdivision. However, in order to ensure that the size, configuration and orientation of the park is such that it can be programmed in an efficient manner, it may be necessary to prepare a park facilities design prior to draft plan approval.
- h) The Municipality will carry out programs to improve park facilities and provide public parks to meet the needs of the community, as well as augmenting the present park deficiencies.

10.0 SCHEDULES

The following Schedules form part of this Plan and must be read and interpreted in conjunction with the text and policies.

LAND USE:

- Schedule "A" - Land Use – Rural Area
- Schedule "A1" - Land Use – Parkhill Urban Settlement Area
- Schedule "A2" - Land Use – Ailsa Craig Urban Settlement Area
- Schedule "A3" - Land Use – Nairn Community Settlement Area
- Schedule "A3-1" - Land Use – Nairn Development Concept

TRANSPORTATION:

- Schedule "B" - Transportation – Rural Area
- Schedule "B1" - Transportation – Parkhill Urban Settlement Area
- Schedule "B2" - Transportation – Ailsa Craig Urban Settlement Area
- Schedule "B3" - Transportation – Nairn Community Settlement Area

NATURAL HERITAGE:

- Schedule "C" - Natural Heritage and Natural Resources Features

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, trailways 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.

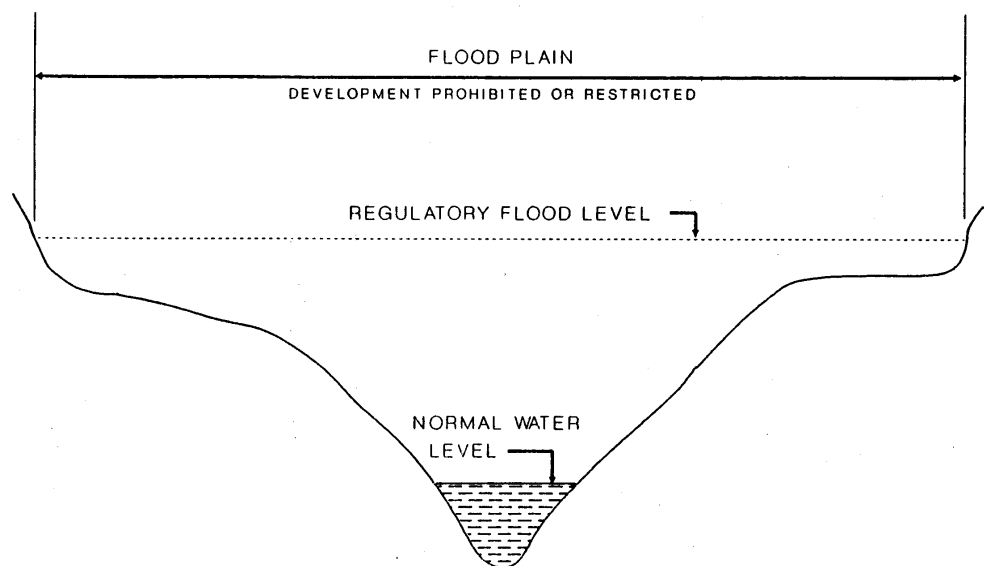
One Hundred Year Flood:

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.

Residence Surplus to a Farming Operation:

means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

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.

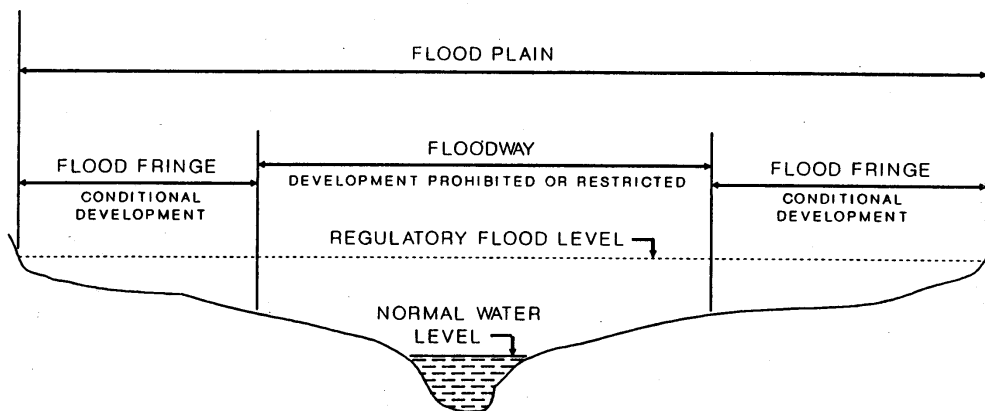
Threatened Species:

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.

B. APPENDIX "B" – SUBWATERSHED AREAS

The following table and schedule assist in understanding the Watershed Management Policies of the Official Plan, but do not form an operative part of this Plan.

Subwatershed	Main Watercourse	Total Area of Watershed (square kilometres)	Area of Sub-watershed in North Middlesex (square kilometres)	Percent of Sub-watershed in North Middlesex (%)	Area of Woodland Cover (square kilometres) ¹	Percent Woodland Cover in North Middlesex (%)	Percent Woodland Coverage Entire Watershed (%)
Middle Ausable	Ausable River	79.32	79.32	100.0	13.38	16.9	16.9
Crathie	Mud Creek	84.67	30.62	36.2	4.89	16.0	10.1
Adelaide Creek	Adelaide Creek	67.53	4.40	6.5	1.22	27.6	9.1
Ausable Gorge	Ausable River	91.98	51.97	56.5	15.10	29.1	22.9
The Cut	The Cut	32.06	4.26	13.3	0.67	15.8	18.1
Huron Park	Ausable River	62.38	18.68	29.9	1.56	8.4	10.3
Little Ausable	Little Ausable River	159.44	12.06	7.6	1.54	12.7	5.7
Mooresville	Ausable River	58.30	38.58	66.2	3.14	8.2	6.7
Ailsa Craig	Ausable River	50.35	50.14	99.6	7.13	14.2	14.2
Nairn Creek	Nairn Creek	134.26	29.15	21.7	2.89	9.9	8.7
Parkhill Creek Headwaters	Mud Creek	147.11	104.24	70.9	17.11	16.4	12.5
The Ptsebe	The Ptsebe	76.88	76.88	100.0	8.65	11.3	11.3
Parkhill Creek	Parkhill Creek	23.79	23.79	100.0	5.77	24.3	24.3
Moray Creek	Moray Creek	101.92	63.55	62.4	8.28	13.0	12.5
Klondyke	Parkhill Creek	40.60	13.04	32.1	1.07	8.2	8.9

¹ Based on the Middlesex County Natural Heritage Study