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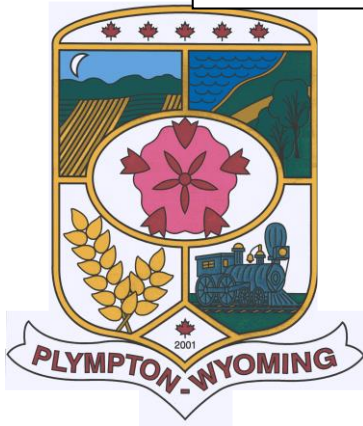
**Areas Subject to Appeal**  
(policies are struck out and highlighted in grey)

|                       |                                |
|-----------------------|--------------------------------|
| 2.4, 2.8              | Agri Lot Size                  |
| 2.12 e)               | SFD and Farm Consolidations    |
| 4.1.1.23 and 4.1.1.32 | Urban Settlement Area Policies |
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**Part 10 Schedule A** - North Wyoming, west of village, Confederation Line lands

**Part 4 schedule A** - North side of Queen Street, immediately east of Bluewater Development, Queen Street lands

**Part 7 Schedule A** - Westerly corner of Hillsboro Road and Townsend Line, Hillsboro Lands



Prepared by Lambton County  
Planning & Development  
Department

Consolidation  
October 2021

## TOWN OF PLYMPTON-WYOMING OFFICIAL PLAN

The Town of Plympton-Wyoming is an amalgamated municipality comprised of the former Township of Plympton and Village of Wyoming. The Town of Plympton-Wyoming came into existence on January 1, 2001. The Town of Plympton-Wyoming Official Plan was produced under the guidance of the Plympton/Wyoming Transition Committee before January 1, 2001 and by the new Council, after amalgamation.

A Public Open House was held on April 17, 2001. The statutory Public Meeting under the Planning Act was also held on April 17, 2001. On May 9, 2001, Council directed that a number of revisions be made. Council passed the Official Plan on June 13, 2001. The Town of Plympton-Wyoming Official Plan was approved by the County Approval Authority on June 25, 2001. The Last day of appeal was July 16, 2001. As no objections were received to that date, on July 17, 2001, the Town of Plympton-Wyoming Official Plan came into effect. The Town of Plympton-Wyoming Official Plan is deemed to conform to the County of Lambton Official Plan. This Official Plan replaces the Official Plan of the Township of Plympton, the Official Plan of the Village of Wyoming, and the County of Lambton General Local Official Plan as it applies to the Town of Plympton-Wyoming.

The General Local Official Plan of the County of Lambton was approved, with modifications, by the Ministry of Municipal Affairs and Housing on February 24, 1998, as Amendment No. 1 to the County of Lambton Official Plan. It came into effect on March 17, 1998. The General Local Official Plan is deemed to conform to the County of Lambton Official Plan and to have had regard to the Provincial Policy Statement. This Plan provided that the County of Lambton General Local Official Plan would become the Official Plan of all municipalities in Lambton County, if a local municipality had not replaced the General Local Official Plan with its own Official Plan within two years of the approval of the General Local Official Plan. On March 17, 2000, the County of Lambton General Local Official Plan became the Official Plan of the Township of Plympton and the Village of Wyoming, although most land use decisions remained based on the municipal official plans, until they were replaced by the Town of Plympton-Wyoming Official Plan.

The Official Plan of the Town of Plympton-Wyoming is basically the County of Lambton General Local Official plan with additions and deletions to make adjustments to local circumstances. Detailed Schedules were also produced. The additions, deletions and the Schedules were based on the former Official Plans of the Township of Plympton and the Village of Wyoming. Where the policies from the former Plans were not the same, common policies for the new municipality were developed, through the guidance of the Council.

The Official Plan of the Town of Plympton-Wyoming is the key planning document that outlines Town policies for land use, environmental, social and economic matters. This Official Plan will guide the standards which will be set out in the implementing zoning by-law for the Town of Plympton-Wyoming. All Council decisions under the Planning Act and all public works must conform to the Official Plan.

This consolidation of the Official Plan of the Town of Plympton-Wyoming has been prepared by the Lambton County Planning and Development Department.

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**PART 1**  
**INTRODUCTION**

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## **PART 1: INTRODUCTION**

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

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

The purpose of these policies is:

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

The policies contained herein are established primarily to guide the physical development of the Town while having regard to relevant social, economic and environmental matters.

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

The Plan will provide guidance for the development and planning of land uses within the Town of Plympton-Wyoming for a period extending to the year 2046.

Except as provided for under the Planning Act, no By-law shall be passed for any purpose that does not meet the intent of and conforms to the Plan.

Amendments to this Plan will be made to ensure conformity to the County of Lambton Official Plan and consistency with Provincial Policy Statements. No amendment will be made to this plan, which would not be in conformity with the County Official Plan Policies.

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

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

### **1.4 GENERAL DEVELOPMENT CONCEPT**

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

## 1.5 ORGANIZATION

This Plan is organized into five parts, as follows:

Part 1: The introduction details the purpose, effect, and basis underlying the Plan.

Part 2: This part contains sections that describe the land use designations that apply across the Town. Together with the land use maps, these designations will help implement the strategy for managing change set out in Part 1.

Part 3: This part includes policies for Municipal systems: transportation, public utilities, municipal services, and energy systems.

Part 4: This part contains policies to guide decision making based on the Town's goals for the human, built, economic and natural environments.

Part 5: This part explains how the Town will implement the Official Plan using development approval processes and planning tools.

Schedules, Maps and Appendices: Schedules, Maps and Appendices are found at the end of the Plan. The Schedules, which form part of this Plan, provide an illustration of the overall growth strategy and natural heritage system for the Town and the settlement areas of Wyoming, Camlachie, Wanstead, Errol and Blue Point. The appendices provide additional mapping of features the geography of which is relevant to the Plan but maintained by others external to the Town.

## 1.6 GROWTH

The Town of Plympton-Wyoming is planning for growth on the following basis as identified in the County of Lambton Official Plan:

a. To 2031:

Projected Population: 6,846 to 7,830 people

Projected Annual Dwelling Units: 42

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

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

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

## 1.7 A ROLE FOR PROCESS: DEVELOPMENT APPLICATIONS

The role of the Official Plan is to provide general guidance for development that applies on a Town wide basis related to land use including designations and permissions. The policies of this Plan also provide guidance to inform development

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application processes and area-specific planning processes. The specific role for development applications like Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, Plans of Condominium, Consents and Minor Variance applications acknowledge that Town wide policy cannot anticipate every circumstance related to a site or a development. The Official Plan has policies to ensure that development applications are considered against the policies of this Plan so that the outcome of a development application addresses the public interest.



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## PART 2: LAND USE POLICIES

### 2. AGRICULTURAL AREA POLICIES

#### main permitted uses

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

#### other permitted uses

2. Other uses permitted will include:
  - a) On-farm diversified uses that are secondary to the principal agricultural use of the property and are limited in area. Such uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Limited ground-mounted solar facilities are permitted in prime agricultural areas, to a maximum of three facilities per lot including specialty crop areas, only as on-farm diversified uses.
  - b) Agriculture-related uses that are secondary to the principal agricultural use of the property. Such uses include, but are not limited to, uses that are farm related commercial or farm related industrial uses, are compatible with surrounding agricultural operations, are directly related to farm operations in the area, support agriculture, provide direct services to farms as a primary activity, and benefit from being in close proximity to farms.
  - c) Recreational, cultural, and open space uses are discouraged in the Agricultural Area, but may be permitted, provided it is demonstrated that all of the following criteria are met:
    - i) there is an identified need or demand for additional land to be designated within the planning horizon to accommodate the proposed use;
    - ii) the proposed location is not in a specialty crop area;
    - iii) alternative locations have been evaluated and:
      - 1) there are no reasonable alternative locations which avoid prime agricultural areas; and,
      - 2) there are no reasonable alternative locations with lower priority agricultural lands;
    - iv) the use will have a minimal negative impact on farming activities and will be subject to the natural heritage policies of this Plan;
    - v) the proposed use complies with the minimum distance separation formulae;
    - vi) an adequate potable water supply and sewage treatment and disposal

- system can be provided;
- vii) the lands are designated in the local Town's official plan and zoning by-law as a site-specific "agricultural exception" specific to the proposed use;
  - viii) the lands remain part of the Agricultural Area designation and the long-term intended use of the lands remains agricultural;
- d) Existing golf courses, cemeteries and crematoria;
  - e) Fish and game farms, including the raising of fish and game;
  - f) Forestry, including sawmills;
  - g) Petroleum resources exploration and extraction facilities;
  - h) Conservation uses;
  - i) Limited residential uses.
  - j) On those lands legally described as Concession 12, Part Lot 22, Registered Plan 25R459 Part 1, an event venue is permitted to operate within the barn and a short term rental is permitted to operate within the dwelling, both existing on the property as of the date of approval of the Official Plan Amendment. Uses accessory to an event venue and short term rental, as well as all uses permitted within the 'Agricultural' designation are permitted. OPA No. 52

#### **agricultural uses**

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

#### **lot size**

4. The minimum lot size for agricultural uses will be ~~38~~ hectares in order to discourage the unwarranted fragmentation of farmland. This is not intended to prevent the creation of a limited number of smaller farm parcels required for the type of agriculture proposed, such as specialty crop production. Leasing of land should also be considered as an alternative to creating small farm parcels. This Plan supports the provision of agricultural land parcels of sufficient size for long term agricultural use recognizing the need to maintain maximum flexibility for farm operators to engage in differing types and sizes of agricultural operation.

Existing parcels of insufficient size for agricultural use will be encouraged to amalgamate with adjoining farmlands where possible.

- 4.1 Notwithstanding 2.4, the minimum lot size permitted for the land legally described as the west half of Lot 12, Concession 9 is 32 hectares. (OPA No. 48)

#### **right to farm concept**

5. In the Agricultural Area, agriculture is the primary long term land use. Other uses, particularly non-farm residential, are attracted to the Agricultural Area by lower land prices, and by the image of quiet, peaceful open space. Normal farm practices create

odours, noise, dust, light, vibration, smoke and flies associated with livestock, and heavy machinery, and involve early morning and late evening activities especially during planting and harvesting periods.

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

**minimum distance separation**

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

Notwithstanding anything to the contrary, when implementing this Section:

- a) The MDS I formula will be applied to all new non-farm lots whether or not an existing building is already located on a parcel of land separate from the subject livestock facility. MDS I shall be applied to development on all existing lots of record, although exceptions respecting the alteration or replacement of existing non-farm uses may be permitted, subject to a minor variance, a zoning by-law amendment or an official plan amendment.
- b) More restrictive setbacks on non-farm uses than the provincial MDS I calculation may be required.
- c) the calculated MDS II distances shall not be modified except by minor variance.

The overarching principle remains that MDS setbacks should not be reduced except in limited site-specific circumstances that meet the intent of the prevention of land use conflicts and minimization of nuisance complaints from odour.

**agricultural practices**

7. The Town will encourage landowners to employ farm management practices that are sensitive to the natural environment, including the following:
- a) cultivation methods aimed at minimizing erosion, such as 'no-till' cultivation;
  - b) re-establishment of natural features;
  - c) planting of stabilizing vegetation on creek flats and slopes to minimize erosion and run-off;
  - d) proper construction of drainage tile outlets to minimize erosion along water courses;
  - e) restricting livestock access to watercourses;
  - f) appropriate application of fertilizers and herbicides to minimize chemical run-off;

- g) proper storage, handling and disposal of hazardous and non-hazardous pollutants;
- h) maintaining a buffer strip along watercourses, ditches and open drains; and
- i) alteration or expansion to any livestock barn or manure storage facility must conform to the provisions of the Nutrient Management Act and Regulations and the Town's Zoning By-law. (OPA No. 26)

**new farm lots**

8. The creation of new farm lots will be permitted where:
- a) the severed and retained lots are of sufficient size for agricultural use, including adequate land for manure utilization from livestock on the property;
  - b) the severed and retained lots are of a nature and size, and have soil and drainage characteristics that are suitable to support an efficient farm unit and to provide meaningful on-site farm employment;
  - c) the size of the severed and retained lots conforms to the requirements of the Zoning By-law;
  - d) despite the lot area requirement of Section 2. policy 4, land may be severed from a farm parcel for lot addition purposes provided that the retained lot is a minimum of ~~38~~ hectares and the severed land is added to an abutting agricultural land holding; and
  - e) land can be severed for agricultural purposes from a non-agricultural lot provided that the severed land is added to an abutting agricultural lot. The retained non-agricultural lot must meet the minimum lot size required for water supply and sewage disposal.

**on-farm diversified uses (OPA No. 54)**

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

Such uses will be subject to the policies of this Plan applicable to home occupations and the following policies:

- a) the activity is limited in area and secondary to the main farm operation or residence;
- b) the uses may include home occupations, home industries, bed and breakfast, and uses that produce value-added agricultural products from the farm operation on the property;
- c) any buildings or structures associated with such uses should be of a design and style that will allow for ease of conversion to an agricultural use if the secondary use should cease;
- d) in rural areas, greater separations and the ability to provide buffers generally exist and certain home occupations that would not be appropriate in residential areas may be permitted;

- e) uses that have more substantial objectionable features may be restricted where adequate separation and/or buffering requirements cannot be met from sensitive uses.
- f) uses that have highly objectionable features by reason of noise, smoke, dust, fumes or other emissions, the hours of operation, outdoor activities or storage of equipment or materials or have potential to lead to serious site contamination will not be permitted as home industries.
- g) appropriate development standards must be contained in the Zoning By-law regarding the maximum floor area for such uses, signage, access, parking, outside storage, separations from sensitive uses, and other appropriate restrictions;
- h) as a minimum, site plan approval and site plan agreements will be required where the general public may be permitted on site; and
- i) the severance of on-farm diversified uses from the farm lot will not be permitted.
- j) the rural character and the long-term agricultural viability of the site and area is protected;
- k) the use will be compatible with and not hinder surrounding agricultural operations;
- l) Adaptive re-use of surplus farm facilities on existing farms for on-farm diversified uses, and agri-tourism uses at a scale that is appropriate to the farm operation will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.

**value added businesses (OPA No. 26)**

10. Value added businesses will be encouraged in the rural areas as a means of diversifying farm income and employment opportunities and increasing the value of produce leaving the farm. The policies applicable to other home occupations shall apply subject to the following:
- a) the business must be based primarily on the processing and/or marketing of commodities or by-products produced by the farming operation itself;
  - b) retail sale of products produced on site shall be permitted;
  - c) the business may be larger in scale than other home industries in terms of employees, floor area and intensity of activities. Limits shall be outlined in the Zoning By-law;
  - d) the business may be visible as a separate component of the agricultural operation and a greater degree of nuisance features will be tolerated than with home occupations that are not directly tied to agricultural use;
  - e) a zoning amendment to permit an established value added business to expand beyond the size limits in the zoning by-law or diversify its activities may be permitted, but severance of a value added business from the agricultural parcel is prohibited; and

- f) Council may require a site plan agreement as a condition of a building permit.

**agricultural related uses**

11. Agricultural related commercial and industrial uses necessary in the Agricultural Area and compatible with agricultural activity are permitted. Examples of such uses include, but are not limited to, grain dryers, feed mills, grain and seed storage facilities, agricultural products and produce processing facilities, bulk farm supply dealers, farm machinery sales and service, and livestock assembly points.

Such uses will be subject to the following policies:

- a) the use is directly related to the agricultural industry and requires a location in close proximity to agricultural activities;
- b) the need and demand for the use at the location proposed can be demonstrated to the satisfaction of the Town;
- c) the use is not located in a specialty crop area. Otherwise, the use is to be located on the least productive agricultural land, where possible;
- d) the use is located on a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses;
- e) the requirements of the Province (or its designated agent), the County, the Health Unit and the Town regarding water supply and sewage disposal can be met;
- f) a site specific Zoning By-law amendment is obtained specifically permitting the agriculture-related use;
- g) the use is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agricultural operations;
- h) the use does not negatively impact the Natural Heritage System;
- i) the owner enters into a site plan agreement with the Town; (OPA No. 26)
- j) the use will be compatible with existing development in the area.
- k) Severances for agricultural-related commercial and industrial uses is discouraged but may only be permitted where the lot is being severed from an agricultural lot that is 38 hectares in size. Despite this lot area requirement, the lot may be severed from an agricultural lot that is less than 38 hectares provided that the agricultural land is added to an abutting agricultural lot. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.
- l) the nature of the use complies with any limits specified in this Plan, particularly respecting the types of uses that shall qualify as agriculture-related uses;
- m) a minimum of land is removed from agricultural crop production;
- n) the use would maintain the agricultural character of the area;
- o) Adaptive re-use of surplus farm facilities on existing farms for agricultural related uses will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.

**residential uses**

12. Residential uses permitted are as follows:
- a) New single detached dwellings accessory to agriculture;
  - b) Existing single-detached non-farm dwellings;
  - c) New single-detached non-farm dwellings, constructed on vacant lots existing on the date of adoption of this Plan, and held in distinct and separate ownership from abutting lands, subject to the following conditions:
    - i) the lot is suitable for residential construction;
    - ii) the lot meets the requirements of the Province (or its designated agent), the County, the Health Unit and the Town regarding water supply and sewage disposal;
    - iii) the lot is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agriculture activities;
    - iv) direct access is available from an improved year round public road and the access does not result in traffic hazards due to poor sight lines or proximity to an intersection; and
    - v) where access is available to a public road across an abandoned railway line it shall be accepted as access to an improved public road.
  - d) The creation of an additional dwelling unit within an existing single detached dwelling or existing accessory farm building, within the existing farm cluster of buildings, shall be subject to the following requirements:
    - i) The lot size and configuration are sufficient to accommodate adequate parking and open spaces;
    - ii) The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;
    - iii) Additional dwelling units shall be permitted in compliance with all relevant Zoning By-law provisions;
    - iv) Additional dwelling units, while permitted in basements, are not to be permitted in the cellar area of a dwelling;
    - v) The availability and adequacy of municipal services to accommodate the increased density;
    - vi) There is sustainable private sewage disposal and water available for the additional unit.
    - vii) Additional Dwelling units shall not be permitted within natural hazard areas (e.g. flood hazard areas, unstable slopes).
  - ~~e) The creation of new residential lots shall be prohibited, except:~~
    - ~~i) Where a habitable dwelling existed prior to the adoption of this Plan, a consent to sever a lot containing the dwelling may be granted if that residence becomes surplus to a farming operation as a result of a farm~~



~~consolidation provided that:~~

- ~~1. The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;~~
- ~~2. The size of any new shall be determined by a study submitted with the application, completed by a qualified professional, to determine the size of the lot necessary to support private water service and a private sewage disposal system;~~
- ~~3. The farms are both located within the Town;~~
- ~~4. The new lot is located to minimize the impact on the remaining farm operation; and~~
- ~~5. The new lot complies with the MDS Formula.~~

~~ii) The following process shall be required for a surplus farm dwelling to be approved:~~

- ~~1. The rezoning application for the proposed surplus farm dwelling and the rezoning application for the retained lands shall be approved by Council;~~
- ~~2. No application for consent for the surplus farm dwelling will be accepted nor will a decision be made on the consent application until Council has approved the rezoning as identified in Clause ii) 1).~~

Permitted residential uses may include accessory uses, including home occupations and bed and breakfast establishments and home industries. All accessory uses including home occupations, home industries and bed and breakfast establishments must be clearly secondary to the principle residential use of the lot. Adequate water supply and sewage disposal must be provided for such uses and appropriate development standards must be contained in the Zoning By-law regarding the maximum floor areas, signage, parking, outside storage, etc. Such uses shall require site plan approval if the conditions of Section 2.0.9 h) apply. (OPA No. 26)

Group homes, as defined in the Zoning By-law, may be permitted in the rural area where permitted by the Zoning By-law. Where group homes are not a permitted use in the Agricultural area, they may be considered through a site specific rezoning. Group homes shall be considered as and subject to the same policies in this Plan and regulations of the Zoning By-law as non-farm dwellings. (OPA No. 4)

#### **lot adjustments**

13. New non-farm lots will be limited in size so that a minimum of land is taken out of agriculture uses, and will be located on the least productive land where possible. The lot size and shape will be consistent with expected current and future needs with respect to water supply and sewage disposal.

Lot boundary adjustments for undersized residential lots shall not result in lot sizes greater than 0.8 ha except where necessitated by the requirements or reasonable use

criteria of the Province, County, Health Unit and Town regarding water supply and sewage disposal. (OPA No. 15)

**agricultural industry and rural character**

14. The maintenance of the agricultural industry in the Agricultural Area and the preservation of the rural characteristics of the area will be encouraged.

**transportation and utility corridors**

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

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

**woodlots**

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

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

This Plan encourages reforestation and conservation of woodlots.

In accordance with the natural heritage policies of this Plan, new development in significant woodlands shall only be allowed in accordance with the requirements of the Provincial Policy Statement.

**petroleum related facilities**

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

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

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

**general rural consent policies**

18. Land severances in the Agricultural Area may be permitted for the following:

- a) to create rights-of-way or easements;
- b) to enlarge lots provided it does not result in the creation of an undersized farm parcel;
- c) to consolidate farm holdings;
- d) to allow minor lot line adjustments having regard to County Official Plan Section 4.2.2 and including but not limited to minor boundary adjustments to increase the size of a non-farm lot where necessary to accommodate private services;
- e) for infrastructure in compliance with the policies of this Plan;
- f) to create farm parcels that, in order to discourage the unwarranted fragmentation of farmland, are not less than 38 hectares in the Town.

A different minimum farm parcel size may be considered through an amendment to this Plan and the Lambton County Official Plan provided that a study is carried out by the proponent with the guidance and assistance of the Province, to demonstrate that the different farm parcel size is appropriate for the type of agricultural uses common in the local area, yet is sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations.

- g) to sever a surplus farm dwelling in accordance with the policies of this Plan.

**Rural Population** (OPA No. 26)

19. The Town will promote initiatives to support rural population growth, especially the number of farm families. Supportable methods include, but are not limited to the promotion of:
- a) value-added, on-farm diversified uses and other practices that increase the profitability of agricultural operations,
  - b) new livestock facilities and other forms of agriculture that require fewer acres per farm operation, and
  - c) greenhouses, nurseries and other forms of agriculture that have potential to support multiple families/employees on a relatively small number of acres.
  - d) forms of agriculture that provides more employment on a per acre basis;
  - e) identification and exploitation of non-traditional, non-local, and niche markets;
  - f) on-farm and local processing and/or retail of agricultural products and by-products;
  - g) promotion of unique local foods;
  - h) stronger linkages between local food producers and major local food distributors and consumers within settlements, including restaurants;
  - i) agri-tourism; and,
  - j) on-farm economic diversification.
20. The Town will not however support practices that are not sustainable in the long-term or may result in limitations on agricultural practices. For example, the Town will not

promote the establishment of new non-farm lots. The Town will also be careful when permitting non-farm or on-farm diversified uses to limit the potential for conflict with agricultural uses.

**Greenhouses and Nurseries** (OPA No. 26)

21. Greenhouses and Nurseries shall be permitted in the Agricultural Area and shall include wholesale and retail sale of plants, trees or shrubs, the majority of which are grown on site. Permitted accessory uses may include landscaping services, staff offices, washrooms and lunch rooms and lodgings for migrant foreign labour that works on site. The sale of some accessory items, services and materials related to landscaping and gardening and plant materials not grown on site is expected. Additional accessory uses could be considered by amendment to the Zoning By-law including limited sale of food and beverages and the offering of meeting rooms or passive recreational programs or activities.
22. Nurseries shall be subject to compliance with the Minimum Distance Separation Formulae for "Type A Land Uses".
23. Greenhouses and nurseries shall be subject to site plan control. Site conditions must permit sufficient customer parking and room for expansion. A retail component is permitted provided the requirements of Section 2.9 of this Plan are met. Stormwater collection and reuse shall be addressed.
24. Lot additions to permit the expansion of a greenhouse or nursery will only be permitted for well-established operations, subject to policy 2.4 in this Plan. Land rental, until viability is established, will be encouraged as an alternative.
25. Agri-tourism uses mean farm-related tourism and commercial uses associated with and sited on a functioning farm operation or associated with a value-added business and conforming with Section 6.1.8 of the Lambton County Official Plan. The Zoning By-law shall be updated to implement these uses.
  - a) These uses may include farm markets, restaurants related to a winery, limited bed and breakfast, on-farm tours, road side produce stands, pick your own facilities, farm mazes, agriculture related special event facilities, agriculture education and research facilities, and uses and practices necessary to support the day to day farm operation.
  - b) Agri-tourism uses shall only be permitted subject to the following:
    - i. they are to be secondary and subordinate to the principal farm operation and principal activities on the property;
    - ii. the size of such uses are to be small in scale, and limited and appropriate to the site, surrounding area and the scale of the farm operation;
    - iii. agri-tourism uses, with the exception of short-term vacation rentals, shall be subject to site plan control where greater than 93 square metres in gross floor area.
    - iv. the display and retail sales of off-farm products shall be permitted, provided that the display and retail sales area is no greater than one-

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- third of total gross floor area devoted to commercial use of an agri-tourism use, to a maximum 93 square metres in size;
  - v. short-term vacation rentals shall comply with the policies in Section 4.1 of this Plan;
  - vi. they be adequately served by on-site services, including sustainable private services and parking; compatible with surrounding uses; not cause or generate off-site negative impacts related to infrastructure, noise or traffic, and not negatively impact the agricultural viability of the subject property, surrounding area, or natural areas, features or functions.
26. Oil, (natural) gas, and salt extraction under agricultural lands shall be conducted so as to minimize disruption to agricultural uses, minimize the amount of land taken out of agricultural production, and prevent contamination of agricultural lands. Rehabilitation of exhausted or abandoned wells and oil fields must be compatible with the surrounding agricultural area and should be rehabilitated to appropriate standards for agricultural use unless specifically rehabilitated for another purpose.

## 2.A RESTRICTED AGRICULTURAL AREA

In addition to the policies contained in Section 2.0, the following policies shall apply in the Restricted Agricultural Area.

### permitted uses

1. Agricultural operations, shall be the predominant use in the designation.
2. Existing livestock operations shall be recognized as a permitted use, however, no new livestock operations shall be permitted. Improvements to or expansions of existing livestock operations will be permitted in cases where the minimum distance separation requirements can be met in accordance with Provincial policies and guidelines.
3. Agriculture-related uses and on-farm diversified uses linked to the production of agricultural products grown on the premises may be permitted.
4. Existing non-farm single detached dwellings are permitted.
5. New single detached non-farm dwellings, constructed on vacant lots existing on the date of adoption of this plan, and held in distinct and separate ownership from abutting lands, provided minimum distance separation requirements can be met, are permitted.
6. Permitted residential uses may include accessory uses, including home occupations, additional dwelling units, short-term vacation rentals and bed and breakfast establishments, in accordance with the policies of Section 4.1 in this Plan.

### 3.0 HAMLET AREA POLICIES

#### 3.1 General Policies

##### permitted uses

1. The permitted uses in the Hamlet of Camlachie include uses normally found in a small community such as residential, commercial, small scale or farm related industrial, institutional, open space and agriculture exclusive of livestock and livestock operations. These uses may be permitted subject to the relevant locational and development policies included in the following sections of this Plan.

The "Hamlet" of Blue Point includes those lands designated as "Hamlet" on Schedule "A" within the area bound by and including the Lake Huron shoreline, Sunset Acres (Plan 448), Lakeshore Road, and Lot 34, Front Concession (Plan 25M-19 - Huroncrest). (OPA No. 26).

Permitted uses in the "Hamlets" of Blue Point and Errol include low density residential, home occupations, bed & breakfast, institutional, and open space subject to the relevant location and development policies in this Plan. Commercial, industrial, and medium and high density residential uses are not permitted. (OPA No. 26)

Development in the Unserviced Hamlet of Wanstead will occur within the limits of its present boundaries. Development may occur on partial municipal services provided such development doesn't significantly increase the overall density of the hamlet. Permitted uses include residential uses, uses which support agriculture, and a limited number of commercial uses and public facilities.

##### development policies

2. In addition to the other relevant policies of this Plan, the following policies will apply to Hamlet Areas:
  - a) Non-farm development will be permitted to locate in Hamlet Areas to protect agricultural lands from such development;
  - b) All new development will have the effect of infilling the existing settlement areas. Except in the case where it may be necessary to provide a separation distance between incompatible uses, any new development should not be isolated from the settlement area or unduly extend it. In addition, new development should not have the effect of creating or adding to strip development;
  - c) All new development will be compatible with existing and future surrounding development and the development of non-compatible uses will be discouraged. Incompatible land uses will be separated by increased setbacks or, where appropriate, buffering measures;
  - d) Existing and future development will be adequately serviced and additional development will only be permitted where adequate services can be provided;
  - e) It is the policy of this Plan that new development will only be permitted where adequate water supply and sewage disposal services can be provided.

Where development is permitted to occur on municipal water in combination with either private septic systems or communal sewage systems, it shall be conditional upon compliance with the County Official Plan Section 3.2.6;

- f) Controlled development will be encouraged so that the Town is protected from an undue burden of servicing costs and the encroachment of urban uses on agricultural land is minimized;
- g) The maintenance and improvement of the existing housing stock will be encouraged.

## 3.2 Residential Development

### residential uses

1. Permitted residential uses may include single-detached dwellings, semi-detached and duplex dwellings, and multiple unit dwellings. Additional dwelling units are permitted uses. Professional offices, home occupations, bed and breakfast establishments and home industries may also be permitted in accordance with the policies of Section 4.1 of this Plan and subject to appropriate development standards in the Zoning By-law.

### development policies

- a) Residential development through plan of subdivision or land severance may be permitted in accordance with the policies of this Plan.
- b) The implementing Zoning By-law may permit single-detached, semi-detached, duplex dwellings and additional dwelling units in the same zoning category.
- c) Low density residential development, including semi-detached and duplex dwellings, will be permitted to a maximum of 15 units per net residential hectare.
- d) Densities for new development within the Hamlet of Blue Point will generally not exceed 12 units per net residential hectare. Splitting of individual lots within existing plans of subdivision has no precedent in the Hamlet. Even if zoning by-law requirements can be met, such lot division within existing plans of subdivision will be prohibited. (OPA No. 26)
- e) Densities within the original Plan 2 for Errol Village, as bounded by Egremont Rd, Colborne St, Front St and Maitland St, do not exceed 8 units per net residential hectare. These original parcel boundaries, lot sizes, and overall lot fabric contribute significantly to the heritage value in the original village in the area within its original plan boundaries. Earlier disruptions to the lot fabric by severances and consents shall not be considered precedents for the future. New lot creation and boundary adjustments within the original Plan 2, excluding the area occupied by Plan 421, shall strive to preserve the original parcel boundaries and integrity of the Plan for its heritage value. As such, division of original parcel boundaries into two parcels shall be prohibited. Beyond the limits of the original Plan 2, in more recent plans of subdivision, densities shall not generally exceed 12 units per net residential hectare. (OPA No. 26)



### 3.3 Commercial Development

#### commercial uses

1. Permitted commercial uses may include general and highway commercial uses.

General commercial uses may include retail stores, banks, offices, and similar uses. Highway commercial uses may include automotive sales and service establishments, gasoline sales outlets, farm implement sales and service and lumber yards. Highway commercial uses depend on vehicular access and require large lots for off-street parking and open storage. Highway commercial uses are not intended to compete with general commercial uses.

#### development policies

2.
  - a) Site Plan Control
 

New development may require site plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where a commercial use may adversely affect an adjacent land use.
  - b) Access
 

Access points will be limited in number and designed to enable segregation, and the safe movement of pedestrians and vehicles. Shared access among commercial establishments will be provided wherever possible.
  - c) Zoning
 

General commercial and highway commercial uses will be placed in separate zoning categories in the implementing Zoning By-law.
  - d) New development should conform to the amenity and design policies, urban design policies, and compatibility criteria in Part 4 of this Plan

#### location

3. The main commercial area along the Lakeshore shall be the existing commercial areas in the Hamlet of Camlachie and the intersection of Egremont and Lakeshore Roads. This area shall be a centre to service growing population along the Lakeshore and tourist traffic.
4. Smaller commercial areas compatible with and meeting the needs of immediate neighbourhoods may be permitted provided efforts are made to limit the scale and range of uses so as to avoid direct competition for patrons and tenants with the main commercial area. (OPA No. 26)

### 3.4 Industrial Development

#### industrial uses

1. Industrial development will be limited to small scale and farm related industrial uses. A small scale industry is generally defined as one where no industrial waste water is generated by the manufacturing process and only domestic sewage is to be discharged to a subsurface sewage system approved by the Province or its designated agent. Examples of such uses are small scale manufacturing, warehousing and the repair and servicing of vehicles and other goods. Farm related

industrial uses may include grain and seed storage facilities, feedmills, grain drying facilities and bulk fuel depots.

Industrial uses that adversely affect the amenity of the area due to the emission of noise, vibration, fumes, dust, odour, smoke or other adverse impacts will not be permitted.

**development policies**

2. a) Access
 

Access to a small scale or farm related industrial use will be from a road capable of handling heavy vehicular traffic. Shared access among industrial establishments will be provided wherever possible.
- b) Open Storage
 

The outside storage of products, equipment or other material shall not be permitted unless the storage area is suitably screened. The standards will be incorporated in the implementing Zoning By-law.
- c) Site Plan Control
 

New development may require Site Plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where industrial uses may adversely affect an adjacent land use.
- d) Zoning
 

Industrial uses will be zoned in one or more separate zoning categories in the implementing Zoning By-law. The Zoning By-law will also contain regulations governing parking and loading requirements.
- e) New development should conform to the amenity and design policies, urban design policies, and compatibility criteria in Part 4 of this Plan.

### **3.5 Institutional Development**

**institutional uses**

1. Institutional uses will include any recognized public, non-profit or charitable organization, churches, nursing homes, libraries, municipal buildings and offices and cemeteries. Certain uses operated for profit such as nursing homes or day nurseries may also be considered as institutional uses provided Council is satisfied that the use is compatible with surrounding uses.

**development policies**

2. a) Access
 

The institutional use should have access to a public road capable of accommodating any increase in traffic flow that may result. Access points will be limited in number and designated to enable segregation, and the safe movement of pedestrians and vehicles.

- b) **Site Plan Control**  
New development may require Site Plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where an institutional use adjoins a residential use.
- c) **Zoning**  
The implementing Zoning By-law may zone institutional uses in a separate zoning category or they may be permitted in residential zones. The Zoning By-law will also contain regulations for parking and access.
- d) **New development should conform to the amenity and design policies, urban design policies, and compatibility criteria in Part 4 of this Plan.**

### **3.6 Open Space and Parks**

#### **open space uses**

1. Open Space uses may include parks and playgrounds, golf courses, storm water management facilities, community centres and similar community or neighbourhood facilities. The policies in Section 8 regarding redevelopment of golf courses shall apply to Open Space Uses in Hamlets.
2. The Town intends to maintain King's Square in the Errol Town site for parks purposes.

#### **waterfront access**

3. The Town will endeavour to make use of existing road allowances for public access to the Lake Huron shore. Land dedications for parkland that would provide increased access to the waterfront will be encouraged.
4. Cash in lieu of parkland dedication may be accepted if such dedication would not contribute to increased public waterfront access, and if the Town is satisfied that neighbourhood park facilities are adequately served. Lands conveyed to the Town in accordance with the preceding provisions will be suitable for development as a public recreational area. Lands subject to physical limitations such as flooding, steep slopes, erosion or other similar limitations will not be accepted as part of the parks dedication. (OPA No. 26)

#### **development policies**

5. The implementing Zoning By-law may zone open space uses in a separate zoning category and open space uses will be subject to the Major Open Space Area policies of this Plan.

### **3.7 Agriculture**

Agricultural land uses within Hamlet Areas will be subject to the policies of Section 2 of this plan, except that no livestock farm operations will be permitted.

## 4.0 URBAN CENTRE

**The Urban Centre in the Town is Wyoming.** The permitted uses in Urban Settlement Areas include a wide range of residential, commercial, industrial, open space and institutional uses. These uses may be permitted subject to the following locational and development policies.

The following residential, commercial, industrial, mixed commercial/industrial, institutional and open space provisions shall apply more generally to such uses within settlement area in the Town. (OPA No. 9)

### 4.1 RESIDENTIAL

#### 4.1.1 Permitted Uses

1. The primary uses permitted in Residential areas will be for residential dwelling units. Various types of dwellings will be included, with preference being given to the locating of similar densities of development together.
2. Varieties of residential dwelling types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of lower density, with sufficient spacing to maintain privacy, and amenity.
3. For the purposes of policy 4.1.1.4 below, residential density shall exclude any lands determined to be undevelopable due to natural hazards (e.g. floodplain and steep slopes) but should include planned roads (public and private) and developable open space and amenity areas (common and private).
4. The primary residential uses permitted within the Residential areas are low density housing types, not exceeding 25 units per net residential hectare, including single detached dwellings, semi-detached, and duplex dwellings.
5. Other residential uses permitted within Residential areas are as follows:
  - a) Medium density attached dwellings, generally townhouses and triplexes, up to a maximum density of 38 units per net residential hectare;
  - b) High density multiple family dwellings up to a maximum density of 100 units per net residential hectare;
  - c) Special residential uses such as group homes and senior citizens' accommodation;
6. Land uses compatible with dwellings and serving the needs of the local residents will be permitted including, but not limited to:
  - a) Public and institutional uses such as elementary and secondary schools, libraries, municipal buildings, places of religious worship and day-care centres;
  - b) Neighbourhood parks and recreation uses;
  - c) Convenience commercial uses; and
  - d) Professional Offices, Home Occupations, and Bed & Breakfast Establishments that constitute subordinate uses within dwellings.

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

### **GENERAL Policies**

8. Within Residential areas the Town will encourage:
- a) Areas of new development to take the form of extensions to the existing built-up area.
  - b) Development that minimizes the costs required to extend existing services and the costs of creating new services.
  - c) Residential intensification in areas of existing development that have sufficient servicing capacity. Techniques may include the creation of infilling lots, converting existing buildings for residential use, redeveloping sites not previously used for residential purposes, and encouraging higher densities in new development. (OPA No. 26).  
  
It is a goal of this Plan that 20% of the new housing units provided in the Town be provided through intensification and redevelopment.
  - d) Relocation of existing incompatible uses out of Residential Areas and redevelopment of obsolete land uses.
  - e) Development to proceed in such a manner so as not to impose a financial burden on the Town or municipal taxpayers.
  - f) Compliance with the Amenity and Design policies of this Plan.
9. Intensification, including infill development and redevelopment, in Residential Areas may be undertaken either by means of a plan of subdivision, plan of condominium, or where neither subdivision nor condominium is appropriate, by consent, provided the means selected is intended to make the most efficient use of municipal services. Such development may also be subject to site plan control. Redevelopment of lands to create higher residential densities or to remove existing obsolete uses will be encouraged if such redevelopment is compatible with the existing physical character and pattern of surrounding development.
10. The design of new roads in new subdivisions and/or areas subject to plans of condominium and/or severances will be carried out so as to permit development of landlocked parcels in existing developed areas wherever possible. Access roads to such parcels or condominium units may be dedicated as public roads but may also be considered as private road where such roads are owned by a condominium corporation(s).
11. In approving new residential development, the Town will take into consideration an appropriate mix of housing types for affordable housing and housing for persons with special needs according to substantiated need and demand for the Town as a whole.
12. Senior-focused developments are encouraged to locate in communities in the Town with amenities, such as groceries, open spaces and locations nearest to larger urban centres with shopping and health facilities.

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13. In existing Residential Areas, an increase in residential density may be considered where the scale and physical character of new or renovated residential dwelling units are compatible with the surrounding area and where municipal and community services are adequate.
  14. The Town will maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. An adequate supply of housing will be ensured by maintaining the ability to accommodate residential growth for a minimum of 15 years through intensification and redevelopment, and if necessary, lands designated for residential development.
  15. The Town will encourage innovative housing designs particularly those which offer energy efficiency, reduced municipal expenditures or lower costs to purchasers.  
  
**zoning** (OPA No. 26)
  16. A variation in lot sizes is expected in new residential development and the Zoning for “low density subdivision development” will reflect the lower acceptable limit of lot sizes. Average lot sizes shall not exceed the maximum permitted density in this Plan.
  17. The Zoning for existing residential areas will recognize that a limited number of smaller infilling lots may be appropriate, even at lot sizes that exceed the maximum densities specified in this Plan. Such a lot however, shall be compatible with the area and not significantly change its over-all character and density.
  18. Where an area has a specific permitted density that differs from the generically permitted densities for low density development, the lot sizes permitted for semi-detached, duplex dwellings and triplex (if permitted) shall be increased or decreased proportionately.  
  
**phasing**
  19. Residential development may be phased, but final approvals shall be subject to the availability of servicing capacity and required infrastructure.  
  
**buffering from agricultural lands**
  20. In cases where residential development is proposed on lands adjacent to or abutting agricultural lands, the Town will ensure that adequate buffering and/or mitigation measures are provided between the development and the agriculture lands where necessary. In this regard, the developer will be responsible for providing the buffering. The specifics of the buffering will be determined when a development is proposed and any buffering requirements will be specified within site plan and/or subdivision agreements.  
  
**programs**
  21. The Town may participate in the housing programs of other levels of government in order to achieve the residential goals of the Plan.

**affordable housing**

22. Efforts should be made to encourage the provision of affordable housing in the Town, where practical. In this regard, the Town will assist the private sector by:
- a) providing opportunities for the production of affordable new residential units that contribute to the attainment of the affordable housing targets established for the Housing Market Area (Lambton County);
  - b) encouraging residential intensification where practical; and
  - c) adopting alternative development standards where deemed appropriate by the Town. The Town will consider ways in which to encourage affordable housing through the utilization of existing housing stock and intensification of existing residential areas. Owners of surplus housing stock, including farmhouses, should be encouraged to consider the potential for conversion to affordable housing rather than demolition.
  - d) reducing the time to process residential application, to the greatest extent practical
  - e) encouraging and supporting partnerships in the provision of affordable and supportive housing needs in locations which are appropriate to the community and surrounding services. Preference shall be for locations and communities that are accessible to municipal goods and services, healthy food, commercial areas, employment, medical and health facilities, recreation, transit and trails and non-motorized transportation. Locations within mixed use developments are encouraged. Affordable housing units shall take into consideration accessibility needs.

23. ~~The Town will utilize the most current County Housing and Homelessness Plan, when setting targets for affordable housing units.~~

~~As per the County's Housing and Homelessness Plan 2014 – 2023, the Town will consider the following distribution to create affordable rental and ownership housing. The projected number of dwellings are intended to provide a sense of scale and should not be considered as limits.~~

|                        |                     |     |
|------------------------|---------------------|-----|
| Low Range Forecast:    | Rental Housing      | 6   |
|                        | Ownership Dwellings | 4   |
| Medium Range Forecast: | Rental Housing      | 16  |
|                        | Ownership Dwellings | 7   |
| High Range Forecast:   | Rental Housing      | 240 |
|                        | Ownership Dwellings | 8   |

**housing mix**

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

The mixing of densities and housing designs within individual developments will be encouraged, provided that locational requirements are satisfied. The density of development will be governed by the Town considering among other things, the preservation of open space and trees, the ability of the road system to

accommodate the generated traffic, the capacity of municipal infrastructure which includes water, sanitary sewage, stormwater drainage and parks, and the compatibility with existing development patterns.

**applications for medium density**

25. Development of medium density dwellings such as row housing will be considered in accordance with the following policies:
- a) The development should be located in proximity to Arterial or Collector Roads and central commercial areas. (OPA No. 26)
  - b) Developments on local roads or at greater distances from central business areas may be considered where the intended tenure is freehold and densities are lowered in consideration of surrounding development.
  - c) Densities greater than 40 units per net residential hectare may be considered where the intended tenure is rental, there is proximity to public open space and the density is compatible with surrounding land uses. In such cases, the requirements for high density developments shall also be taken into consideration. (OPA No. 26).
  - d) Preference will be given to medium density development in locations where the development provides a physical transition between low density dwellings, and residential development exceeding a density of 40 units per net residential hectare. Locations in proximity to natural amenities such as watercourses, major open space areas, existing neighbourhood parks, schools and other community facilities, and commercial areas will be encouraged;
  - e) The development should be adequately buffered from abutting low density residential development;
  - f) The development should be designed so that it is compatible with surrounding development, and subject to the Site Plan Control provisions of this Plan or other relevant land use and design review processes enacted by Council (e.g. Community Planning Permit System);
  - g) On-site parking and recreational amenities are to be provided; and
  - h) The height of the proposed development should not generally exceed three storeys.

**applications for high density**

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

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

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



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

- a) The development should be located in proximity to Arterial or Collector Roads;
- b) Preference will be given to locations in proximity to natural amenities such as watercourses or major open space; or in proximity to central commercial areas; public transit facilities where they are available; and at the intersection of Arterial Roads or Arterial and Collector Roads;
- c) The development should be compatible with adjacent lower density residential development, and should be provided with on-site recreation amenities and parking;
- d) Building height should not exceed that which might create a hazard by virtue of the inability of the Town to provide adequate fire protection.
- e) The maximum permitted density of 100 units per net residential hectare will not be permitted except where sufficient open space is located on site or immediately off-site and the development is kept in scale with and appropriately buffered from surrounding development. (OPA No. 26).

**special residential uses**

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

- i) Approved homes;
  - ii) Homes for special care;
  - iii) Supportive housing programs;
  - iv) Accommodation for youth and adult mental health programs;
  - v) Accommodation services for individuals with a developmental disability;
  - vi) Satellite residences for seniors; and,
  - vii) Homes for individuals who have physical disabilities.
- a) Preferred locations for such uses are on Arterial Roads and Collector Roads;
  - b) The use should be compatible with the scale, density and character of existing land uses;
  - c) Provision should be made for adequate buffering to protect surrounding existing development;
  - d) Adequate off-street parking must be provided to serve the residents, staff and visitors while retaining sufficient yard space to maintain the residential character of the area, and;
  - e) Provision will be made for off street locations to accommodate drop-off and pick-up of the users of such facilities.

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

**applications for plan of condominium**

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

**accessory buildings**

30. Appropriate uses of accessory buildings in residential areas include storing tools, equipment and materials used in the maintenance of the house and property, activities associated with property maintenance, and storing personal vehicles, recreational items and household items. Hobby activities and limited home industries are also appropriate where the scale and nature of the activities have no objectionable features and are not overly intense for a residential area.
31. Buildings of form or size which could lend themselves to overly intensive or inappropriate uses with future or present owners or that go beyond what is needed for conventional residential accessory uses shall be avoided.
32. Buildings of a size or height that is potentially out of scale or character with a residential area will be avoided. Where an over-sized building is determined appropriate, increased side and rear yard setbacks may be required. Over-shadowing neighbouring properties will be avoided.

**Accessory Second Dwelling Units (OPA No. 34)**

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

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

- b) The Town shall permit additional dwelling units in a residential area on a residential lot occupied by a single detached, semidetached, or townhouse dwelling, and an additional dwelling unit in an accessory building. Additional dwelling units shall be limited in scale and secondary to the main dwelling. In location, layout and character, additional dwelling units must not conflict with

the physical character of the neighbourhood and must not negatively impact the amenity or enjoyment of neighbouring properties, especially rear yard spaces.

- c) An additional dwelling may not be permitted as accessory to a main dwelling unit in certain situations. These prohibitions include units within a plan of condominium, and lots where a dwelling is only permitted as accessory to another use. Within rural areas new additional dwelling units shall be located within the farm building cluster and shall be required to meet reasonable use guidelines regarding sewage disposal. Additional dwelling units may be prohibited within areas with sewage capacity constraints.
- d) Preference shall be for additional dwelling units to be within or attached to the main dwelling and convertible to use as part of the main dwelling. Additional dwelling units in detached accessory buildings may be subject to greater lot line setbacks than normally applied to detached accessory buildings. The permitted size shall be less than second units contained within or attached to a main dwelling. Additional dwelling units in detached accessory buildings do not, in themselves, provide justification for larger accessory building sizes, numbers or coverage than otherwise allowed on a residential lot.
- e) The Zoning By-law shall set out applicable standards for additional dwelling units. The Committee of Adjustment may consider exceptions where the intent of this Plan's policies applicable to additional dwelling units and policies 4.1.1.27 and 4.1.1.28 is maintained. In particular, greater flexibility may be given regarding size and form on larger lots that are more rural or recreational in character and provide greater separations to neighbouring uses. Creation of a separate building lot may be more appropriate in some cases than variances for size. The severance of additional dwelling units in the "Agricultural" designation however is prohibited.
- f) Additional Dwelling units shall not be permitted within natural hazard areas (e.g. flood hazard areas, unstable slopes).

~~32. The Town will consider the demographics and projected demographics of the local population as part of any application to designate, zone, or subdivide lands for residential purposes.~~

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

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

##### **Professional Offices**

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

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2. A limited amount of local professional offices will be permitted in existing residential dwellings within the Residential Areas.
  3. The use will be limited to a professional practice that primarily provides services to individuals and families.

**development guidelines**

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

**Home Occupations**

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

**home occupation secondary to residence**

6. A home occupation will be clearly secondary to the residential use, and must be contained entirely within the residential unit. A limited amount of space may be used within accessory buildings. (OPA No. 26).

**non resident employees**

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

**alterations**

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

**outdoor storage**

9. No outdoor storage of equipment, materials or goods used by or produced by a home occupation will be permitted. The Zoning By-law shall specify what work vehicles may be kept on site. (OPA No. 26).

**sale of goods**

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

**floor area**

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

**limitations on occupations**

12. No use that includes the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, or metal fabrication or that has considerable potential to cause significant site contamination will be permitted as a home occupation in a residential area. (OPA No. 26).

**signs**

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

**neighbourhood amenity**

14. A home occupation will not use machinery or equipment that is inconsistent and incompatible with surrounding residential uses because of its nature or scale, nor will a home occupation create a nuisance or conditions inconsistent or incompatible with adjacent or nearby residential uses by reason of emission of noise, vibration, smoke, fumes, dust, other particulate, heat, odour, refuse, lighting or other emission or by hours of operation, outdoor activities or types of materials, equipment or vehicles stored on site. (OPA No. 26).

**nuisance**

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

**municipal servicing**

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

**Short Term Vacation Rentals**

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

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

### Goals and Objectives for Short-Term Vacation Rentals:

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

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

### Policies:

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

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2. Only persons permanently residing in the dwelling shall operate a Bed and Breakfast Establishment; and
  3. Construction or conversion of buildings accessory to the home to accommodate guests shall not be permitted.
- g) Prior to approving any STVR use with more than three guest rooms for a site, and as part of the assessment of the suitability of the proposal, consideration by Council shall include the following:
- i) All licenced and approved STVRs shall be subject to a municipally approved STVR Code of Conduct;
  - ii) Any STVRs with more than three guest rooms shall be defined in the zoning bylaw and subject to site plan control to ensure:
    1. Sufficient on-site parking is available;
    2. Occupancy Loads of the dwelling are not exceeded;
    3. Appropriate water and wastewater services are provided to the dwelling;
    4. Operational fire and safety plans are approved by qualified municipal inspectors;
    5. Appropriate on-site signage is provided;
    6. Appropriate site landscaping and buffering is provided to mitigate potential impacts on neighbouring properties;
    7. Suitable privacy fences and/or screening is provided to further buffer and mitigate any potential impacts of the proposal on abutting and other nearby properties;
    8. Suitable on-site amenity area is provided for guests and residents;
    9. A development agreement is registered on title to ensure there are appropriate controls in place to ensure the site remains in good condition while operating as a short-term vacation rental; and
    10. Establish that a Property Manager shall be on call 24/7 to address noise complaints, property maintenance, and any other nuisance related complaints arising through the use of residential properties for this purpose.
- h). As part of a submission in support of a site-specific zoning amendment for STVRs with more than three guest rooms, a proponent shall be required to:
- i) Provide a planning justification report prepared by a qualified professional land use planner to be submitted with the rezoning application and provided to and reviewed by the Town's Planners. This report shall provide an assessment of how the proposed use may impact the use and enjoyment of neighbouring properties, and how any negative impacts will be mitigated, including a proposal for ongoing management of the property, for property standards, noise, and any

other potential nuisances that may be associated with short term vacation rentals. Such on-site management proposals may later be addressed in specific detail in the site plan development agreement; and

- ii) Demonstrate availability and suitability of on-site and nearby public amenities and services for residents and guests.
- i) “Additional dwelling units” (per Planning Act) approved for the site shall not be used for any form of temporary accommodation (i.e. additional units shall only be provided for permanent, long term housing supply); and
- j) STVRs should be encouraged to locate in proximity to established commercial areas, tourist areas or local attractions.

18. Bed and Breakfast Establishments are private homes where the owner makes temporary accommodation available to the travelling public (usually tourists) in their own homes. In function and impact, they are similar to a home occupation. Generally, the impact is similar to that which occurs when a neighbour has guests staying for a day or two. However, regulation is required to ensure that a successful Bed and Breakfast Establishment does not evolve into a restaurant or hotel.

The use of single detached dwellings as Bed and Breakfast Establishments will be permitted provided appropriate policies are met:

- a) Bed and Breakfast Establishments must be operated only by persons permanently residing in the dwelling.
- b) Only temporary, short term accommodation to the general public will be provided.
- c) Separate kitchen or dining areas for guests may be provided. Establishment of a restaurant catering to persons other than guests will not be permitted.
- d) No external or internal alteration, of a home utilized as a Bed and Breakfast, that is inconsistent with the physical character of the surrounding neighbourhood will be permitted.
- e) The Zoning By-law will regulate the maximum number of rooms available to guests.
- f) Construction or conversion of buildings accessory to the home to accommodate guests will not be permitted.
- g) The site area is sufficient to provide for off-street parking and buffering from abutting residential uses.
- h) Adequate water and sanitary servicing exists. (OPA No. 26).



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## 4.2 COMMERCIAL

### 4.2.1 Central Commercial Area

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

#### permitted uses

2. Within the Central Commercial Area the primary use of land will be for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services. Establishments most consistent with this designation include retail uses, medical and dental clinics, convenience stores, daycare centres, eating establishments, personal care uses, specialty shops, financial institutions, libraries, post offices, municipal buildings and professional offices. To enhance the identity and strengthen the function of Central Commercial Areas, the highest concentration of and the greatest mix of uses including residential, institutional, retail, office and community services appropriate to the size of the community will be permitted. Mixed use development is encouraged throughout the Central Commercial Area including within buildings.
3. Residential uses are permitted in a mixed-use format (such as residential units on the second storey of a two-storey building).
4. Light industrial uses complementary to the main permitted uses in this designation may be permitted at 587 Broadway Street, subject to the development criteria outlined in Section 4.2.1, policy 7.

#### dwelling units

5. To enhance the diversity and vitality of the Central Commercial Area, the establishment of new dwelling units will be encouraged in accordance with the following criteria:
  - a) In cases where a lot fronts onto a commercial main street, the dwelling units must be located above or behind ground floor commercial uses;
  - b) Dwelling units are provided with access to an Open Space Area suitably landscaped and maintained, or alternatively are provided with a balcony; and
  - c) Access to the dwelling units is provided from an adjacent street or land and not through a commercial use.
  - d) Notwithstanding subsections a), b) and c), a single detached dwelling shall be permitted on property described as Plan 2, Block W, Part Lot 20 and Lots 21 and 22, and with a municipal address of 553 Main Street in Wyoming. The permitted single detached dwelling shall be accommodated within a building previously used as St. Andrews Presbyterian Church. (OPA No. 37)
  - e) Notwithstanding subsections a) and b), a single detached dwelling shall be permitted on property described as Plan 2, Block K, North Part Lot 7, North Part Lot 9 and Lot 8 and with a municipal address of 677 Broadway Street in Wyoming. The permitted single detached dwelling shall be accommodated

within a building situated at the southeast corner of Broadway Street and Erie Street that was previously used as a dental office. (OPA No. 44)

**studies**

6. To strengthen and enhance the role of the Central Commercial Area as the focal point of the community and as a healthy business centre, the Town may undertake detailed design/feasibility studies with respect to:
- a) The preservation and rehabilitation of historical landmarks and buildings;
  - b) New uses for vacant or under-utilized buildings;
  - c) Street landscaping, lighting, signage and exterior building design;
  - d) The development of efficient pedestrian and vehicular circulatory systems;
  - e) The re-location of non-conforming uses; and
  - f) The provision of adequate and accessible off-street parking.

**compatibility**

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

**built form and design**

8. The Central Commercial Area development form will typically be a grouping of retail and other commercial uses under common or individual ownership, and should implement the Downtown Wyoming Design Guidelines.

**location**

9. The Central Commercial Area uses will be restricted to the area of Wyoming which extends from Plympton Street to Erie Street as shown on Schedule 'A' to this plan. In general, any north-south expansion shall be discouraged in favour of expansion within the designated area east and west of Broadway Street.
10. Proposals for development of new or peripheral shopping areas will demonstrate that the viability of existing mainstreets and commercial areas will not be threatened. Existing mainstreets and commercial areas should be given first priority for development or redevelopment for commercial purposes.
- 11.
- a) The Town encourages the development of its mainstreets and commercial areas in a way that fosters activities associated with a creative economy and strengthens these areas as cultural nodes;
  - b) Where feasible and the opportunity exists, mainstreets and commercial areas will be connected to natural heritage systems;
  - c) The Town will promote activities and events in the areas around mainstreets and commercial areas in a manner that does not detract from the viability of these areas;
  - d) Wherever feasible, heritage buildings and structures will be conserved, and any new development will complement the cultural heritage landscape of the

- mainstreet or commercial area;
- e) The Town encourages tourism and leisure related activities to be located on mainstreets and commercial areas
- f) The Town encourages the renovation of second and third floor spaces in older commercial buildings for such uses as apartments, studios, and professional offices; and,
- g) The revitalization strategies must conform with Section 6.6 of the County Official Plan.

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

#### **4.2.2 Site Design Policies**

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

1. New commercial development adjacent to existing commercial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
2. New commercial development will ensure that there is:
  - a) Safe and adequate access from the road subject to the approval of the authority having jurisdiction. Access points will be limited in number and designed to enable segregation, and the safe movement of pedestrians and vehicles. Shared access among commercial establishments will be provided wherever possible;
  - b) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning By-law, and the spaces should be located beside or behind the establishment, where possible;
  - c) Adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas; and
  - d) Siting, scale and massing of buildings are such that it respects the adjacent land uses, provides for a safer pedestrian environment and enhances the existing community character.
3. Where new commercial development is proposed adjacent to residential land uses, Council must be satisfied that the following provisions are adequately met:
  - a) Screening and/or buffering of access driveway, parking and service areas such that noise, light or undesirable visual impacts are mitigated;
  - b) Locating and designing light standards and external light fixtures so that lighting is directed away from the adjacent residential uses; and
  - c) Locating and sizing of advertising, identification, or other signs and devices, to avoid conflicts with effective traffic control and the general amenity of the area.

## 4.3 Industrial

### 4.3.1 Permitted uses

1. The permitted use of land will generally be non-noxious industrial uses such as general manufacturing, research and development, warehousing and wholesaling and light assembly or any combination thereof within enclosed buildings.

#### **noxious uses**

2. Industrial uses which are considered a noxious trade business or manufacture under Provincial legislation or regulations will not be permitted.

#### **accessory and complementary uses**

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

Parks and public open space uses are also permitted.

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

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

#### **outdoor storage**

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

The Town shall ensure that the physical needs of businesses are addressed, which includes ensuring that:

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

#### **development standards**

6. The Zoning By-law will prescribe specific development standards related to parking requirements, setbacks, coverage, buffering, separation, etc., to ensure that conflict with surrounding uses is minimized to the satisfaction of the Town. Buffering will be considered in light of Provincial guidelines on separation distances between industrial facilities and sensitive land uses.

**existing residential uses**

7. Adequate separation distances must be maintained between new industrial development and existing residences and residentially zoned land.
8. In circumstances where an industrial use cannot be accommodated in the designated Industrial areas due to parcel size or separation requirements, any such industry may locate outside of an existing Urban Centre, Urban Settlement designation, by amendment to the County and Town Official Plans, provided that the following criteria are met:
  - a) There is an identified need or demand for additional land to be designated to accommodate the proposed use;
  - b) Alternative locations have been evaluated and:
    - i) there are no reasonable alternative locations available within an Urban Centre or Urban Settlement designation;
    - ii) there are no reasonable alternative locations which avoid prime agricultural areas; and
    - iii) there are no reasonable alternative locations with lower priority agricultural lands;
  - c) The proposed location is not in a specialty crop area;
  - d) The proposed location complies with the Minimum Distance Separation formulae;
  - e) The proposed use is compatible with existing and anticipated future uses in the immediate area and any impacts on surrounding agricultural operations are mitigated to the extent feasible;
  - f) The proposed use can be fully serviced with municipal water and can provide adequate sanitary sewage disposal and treatment;
  - g) The site is located in proximity to a major transportation corridor;
  - h) The site should preferably be contiguous to existing industrial lands;
  - i) The site is compatible with the Natural Heritage policies of this Plan;
9. New industrial uses which involve handling of toxic or other hazardous materials will not be permitted within susceptible areas to groundwater contamination as identified in Appendix Map "A" of Lambton County Official Plan and Appendix 3 of this Plan.

**4.3.2 Development Standards**

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

1. New industrial development adjacent to existing industrial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
2. New industrial development will ensure that there is:

- 
- a) Safe and adequate access from the road subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and designed to enable segregation, and the safe movement of pedestrians and vehicles. Shared access among industrial establishments will be provided wherever possible;
  - b) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning By-law, and the spaces should be located beside or behind the establishment, where possible; and
  - c) Adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas.
3. Where new industrial development is proposed adjacent to residential land uses, Council must be satisfied that the following provisions are adequately met:
    - a) Adequate screening and/or buffering is provided between the two uses;
    - b) The impacts of parking, storage, loading, lighting, noise, vibration, dust/debris, odour and other contaminants are minimized; and
    - c) Traffic flows, building forms and relationships to neighbouring buildings and uses are acceptable.

#### **4.4 Mixed Commercial/Industrial**

##### **commercial development**

1. Permitted commercial uses include highway commercial uses such as: automotive sales and services, lumber yards, and other land extensive commercial uses that may be inappropriate within the Commercial Areas of Wyoming. In addition, factory outlets, farm related commercial uses such as supply establishments for the sale of feed and seed and/or fertilizer, or farm implement sales and service may be permitted. (OPA No. 26)

##### **industrial development**

2. Permitted industrial uses include uses which are appropriate within an urban area or those uses which are farm related. Examples of these are bulk fuel depots, grain and seed storage facilities, feed mills and grain drying facilities.

##### **development policies**

3.
  - a) **Access**  
Site access will be subject to the regulations of the appropriate road authority and should be limited in number and designed to enable segregation, and the safe movement of pedestrians and vehicles. The sharing of access points or the construction of internal service roads will be encouraged.
  - b) **Suitability**  
Before allowing a commercial or industrial development to proceed, the Town should be satisfied that the proposed development is suitable. The size and shape of the lands must be suitable for the development.

- c) **Site Plan Control**  
New development may require Site Plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where commercial and/or industrial uses may adversely affect an adjacent land use. Further the agreement may require that adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas and display or storage areas are provided.
- d) **Zoning**  
The implementing zoning by-law will contain provisions that will be conducive to space extensive development. Commercial and industrial uses will be zoned in one or more separate zoning categories in the implementing Zoning By-law. The Zoning By-law will also contain regulations governing parking and loading requirements.
- e) New development should conform to the policies in Part 4 of this Plan.

**dwelling units**

- 4. Existing dwelling units shall be permitted and shall be protected from adverse impacts related to new development or expansions to existing development.

## **4.5 Institutional**

**institutional uses**

- 1. Institutional uses will include any recognized public, non-profit or charitable organization, churches, nursing homes, libraries, municipal buildings and offices and cemeteries. Certain uses operated for profit such as nursing homes or day nurseries may also be considered as institutional uses provided Council is satisfied that the use is compatible with surrounding uses.

**development policies**

- 2.
  - a) **Access**  
The institutional use should have access to a public road capable of accommodating any increase in traffic flow that may result.
  - b) **Site Plan Control**  
New development may require Site Plan approval pursuant to the Site Plan Control provisions of this plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where an institutional use adjoins a residential use.
  - c) **Zoning**  
The implementing Zoning By-law may zone institutional uses in a separate zoning category or they may be permitted in residential zones. The Zoning By-law will also contain regulations for parking and access.

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## 4.6 Open Space

### open space uses

1. Open space uses may include parks and playgrounds, storm water management facilities, community centres and similar community or neighbourhood facilities.

### development policies

2. The implementing Zoning By-law shall zone open space uses in a separate zoning category and open space uses will be subject to the Open Space policies of the plan.

## 4.7 Agriculture

Agricultural land within the Urban Settlement Area will be subject to the policies of Section 2.1 of this plan.



## 5.0 LAKESHORE RESIDENTIAL AREA (OPA No. 26)

### permitted uses

1. The primary uses permitted in the Lakeshore Residential Area will be exclusively for low density residential dwellings, in accordance with the low density residential policies of Section 4.1 of this Plan.

The additional dwelling unit policies and short-term vacation rental policies of Section 4.1 of this Plan shall also apply in Lakeshore Residential Areas.

2. The Lakeshore Residential Area designation includes a variety of communities of different characters and densities. New development shall generally not exceed 12.5 units per net residential hectare. Densities up to 20 units per net residential hectare however, may be permitted in order to maintain neighbourhood character or assist in infill development or redevelopment, especially redevelopment that would result in public roads in areas currently served by private roads. Higher densities shall be discouraged in areas furthest from amenities north of Queen Street.
3. Small-scale commercial uses that serve the needs of immediate neighbourhoods may be permitted by amendment to the Zoning By-law where the range of permitted uses is limited to help prevent direct competition with the main Lakeshore commercial area at Camlachie and where the other policies of this Plan are met.

### Profunds Low Rise Apartments and Townhouse

4. At lands described as Part Lot 9, Concession 10, RP 25R5113 Part 1 & 2, the primary permitted use shall be medium density residential dwellings and apartments, in accordance with Section 4.1, in particular 4.1.21.

### Sawmill Creek Golf & Country Club

5. For those lands located at Lakeshore Road and Egremont Road and abutting a Major Open Space Area designation, a recreation-based residential community having single-family, semi-detached and/or townhouse dwellings will be permitted up to a maximum density of 25 units per net residential hectare (10 units per net acre). Secondary uses shall include a golf course and recreational and community facilities for the use of residents of the recreation-based community.

### Special provision - 7096 Bonnie Doone Road (OPA No. 36)

6. The creation of residential building lots on lands located in Front Concession, Part Lot 22 and known municipally as 7096 Bonnie Doone Road shall be permitted provided the lots front directly on Bonnie Doone Road and are of sufficient size to provide dwellings with generous separations from Lakeshore Road and opportunity to provide buffering from same. Lot creation shall not be finalized until an archaeological assessment has been completed to such extent as necessary to clear the land for residential use. The application shall submit a confirmation letter from the provincial Ministry responsible for issuing such letters, confirming that such assessment has met provincial standards and licensing requirements.

### Special provision - 3719 and 3771 Queen Street (OPA No. 42)

7. Residential uses on the lands located at Part Lots 8 and 9, Concession 10 and known municipally as 3719 and 3771 Queen Street (the "subject lands") and as shown on

Schedule A of this Plan shall be limited to a maximum of 300 single detached dwellings subject to the phasing policies set out herein.

Commencing on the date of registration of the first plan of subdivision, residential development shall be phased such that a maximum of 50 single detached dwellings may be constructed within any 12-month period, so that the total number of single detached dwellings constructed anywhere within the Subject Lands does not exceed 50 dwelling units within any 12-month period. However any unused portion of the 50 units may be carried forward into subsequent 12-month periods, but in no circumstances may the total number of single detached dwellings constructed anywhere within the Subject Lands within any 12-month period exceed 75 dwelling units. This phasing shall be secured through conditions of approval on any plan of subdivision requiring this limit to be included in all subdivision agreements registered against the land.

**Special provision - 3096 Lakeshore Road (OPA No. 41)**

8. Residential uses on the lands located at Part Lots 4, 5 and 6, Front Concession and known municipally as 3096 Lakeshore Road (the "Subject Lands") and as shown as OPA 41 on Schedule A of this Plan shall be limited to a maximum of 140 single detached dwellings prior to September 1, 2029, subject to the phasing policies set out herein. Subsequent to September 1, 2029, an additional 65 single detached dwellings may be constructed on the Subject Lands.

Commencing on the date of registration of the first plan of subdivision, residential development shall be phased such that a maximum of 50 single detached dwellings may be constructed in any 12-month period within OPA No. 41, OPA No. 42 and OPA No. 43, in the aggregate, so that the total number of single detached dwellings constructed anywhere within OPA No. 41, OPA No. 42 and OPA No. 43 does not exceed 50 dwelling units within any 12-month period. However, any unused portion of the 50 units may be carried forward into subsequent 12-month periods, but in no circumstance may the total number of single detached dwellings constructed anywhere within OPA No. 41, OPA No. 42 and OPA No. 43 within any 12-month period exceed 75 dwelling units. This phasing shall be secured through conditions of approval on any plan of subdivision requiring this limited to be included in all subdivision agreements registered against the land.

**Special provision - 5706 Lakeshore Road (OPA No. 43)**

9. Residential uses on the lands located at Part of Lots 50 and 51, Front Concession (5706 Lakeshore Road) (the "Subject Lands") and as shown on Schedule A of this Plan shall be limited to a maximum of 25 single detached dwellings, subject to the phasing policies set out herein. Notwithstanding Section 15.1.2, residential uses may be permitted to occur on municipal water in combination with private septic systems, subject to a submission of appropriate studies as required by Section 15.1.7 of the Town's Official Plan.

Commencing on the date of registration of the first plan of subdivision, residential development shall be phased such that a maximum of 50 single detached dwellings may be constructed in any 12-month period within OPA No. 43 and OPA No. 42, in the aggregate, so that the total number of single detached dwellings constructed anywhere within OPA No. 43 and OPA No. 42 does not exceed 50 dwelling units within any 12-month period. However, any unused portion of the 50 units may be

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carried forward into subsequent 12-month periods, but in no circumstance may the total number of single detached dwellings constructed anywhere within OPA No. 43 and OPA No. 42 within any 12-month period exceed 75 dwelling units. This phasing shall be secured through conditions of approval on any plan of subdivision requiring this limit to be included in all subdivision agreements registered against the land.

## 6.0 MOBILE HOME PARK/RECREATIONAL CAMPGROUND

This plan designates two areas in the Town as Mobile Home Park/Recreational Campground. The first area is located near Lake Huron and comprises Part Lots 38, 39 and 40 in the Front Concession and Part Lots 14 and 15, Concession 14. Lands within this designation are intended to provide for an alternative form of housing consisting of seasonal and permanent mobile home dwellings that are oriented toward outdoor recreation facilities that are provided within a park like setting. The second area is located near Reece's Corner and comprises Part Lot 16, Concession 4.

### permitted uses

#### 1. Paradise Valley Campground

The Mobile Home Park/Recreational Campground designation permits mobile homes within a mobile park for year round occupancy. It also permits seasonal camping for tents and tourist trailers. Outdoor recreational uses providing for the needs of the residents, campers and the general public are permitted and may include features such as golf courses, tennis courts, riding, hiking or snowmobile trails, swimming pools and similar facilities. In addition, small scale commercial uses intended to serve the needs of park residents and park uses only, are permitted. A small display area for model mobile homes will also be permitted.

#### 2. Country View

2.1 Notwithstanding the policies of 6.0, the lands designated Mobile Home Park/Recreational Campground located at Part Lot 16, Concession 4 are intended to be used for a campground and recreational facility, subject to the following:

- a) Seasonal camping for tents and tourist trailers shall be permitted.
- b) Outdoor recreational uses providing for the needs of campers and the general public are permitted and may include features such as golf courses, tennis courts, riding, hiking or snowmobile trails, swimming pools and similar facilities.
- c) small-scale commercial uses intended to serve the needs of campers and park uses only are permitted.
- d) Typical campsite areas shall be 185 square metres and larger and have access to an internal road system. Minimum campsite areas shall be 135 square metres.
- e) The addition of four-season camping may be considered by amendment of the Zoning By-law provided there are no significant changes in the nature of the use in the Natural Heritage and Natural Hazard Areas and/or Regulated Area of the Conservation Authority and there would be no impact on agricultural uses and servicing can be addressed. A site plan agreement will be required to ensure any four-season sites are provided with necessary utilities and waste disposal.

### development policies

3. Mobile homes will be sited on Mobile Home lots and will be restricted to one home per lot as shown on a registered plan of subdivision or on a site plan approved by the

Town. Such lots should be located away from County Road 7 and be located, where possible, in a manner that shields them from direct view of the said road. Newly created Mobile Home lots will have a minimum lot area of 325 square metres.

4. Typical areas for a tent or tourist trailer site will be 185 square metres or larger and such site will have direct access to an internal service road. The minimum area for a tent or tourist trailer site will be 135 square metres. The use of such sites for permanent occupancy is prohibited. Tent and tourist trailer sites will be shown on a site plan approved by the Town. (OPA No. 26)
5. Visitor parking will be provided in conjunction with the seasonal tent and tourist trailer sites, where necessary, on the subject lands. Mobile home lots will provide for two parking spaces per lot.
6. The following servicing policies will apply:
  - a) The lands will be serviced by a piped municipal water supply approved by the Province, or its designated agent. The Town will not subsidize or be responsible for private or individual sewage treatment systems. (OPA No. 26)
  - b) A privately owned and operated communal sanitary sewage system approved by the Province, or its designated agent, will be provided. Responsibility for guaranteeing that the system(s) is operated and maintained adequately should be established through a written agreement with the Town and/or the Province.
  - c) All mobile home lots and seasonal travel trailer camping sites will be provided with piped water, sewage disposal and electrical connections. Overnight camping sites for tents will not require such amenities on each site. However, washroom facilities and access to piped water should be available to such temporary park users.
7. A convenience type commercial use is permitted for the benefit of residents and other park users. Such convenience stores will not exceed 90 square metres in floor area. General commercial uses that do not directly serve the needs of residents or campers are prohibited.
 

**site plan control**
8. Development will be subject to Site Plan control in accordance with the Site Plan Control provisions of this Plan.
 

**access**
9. Any alterations or improvements to the existing access to County Road 7 will be subject to approval by the County Roads Department.
 

**zoning**
10. Mobile Home Park/Recreational Campground uses will be zoned in a separate zoning category in the implementing Zoning By-law.

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## 7.0 INSTITUTIONAL AREAS

### permitted uses

1. Within Institutional Areas the primary use of land will be major public operations including government, health care, day-care, educational, religious, recreational, social welfare, and cultural facilities.

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

2. Secondary uses permitted within Institutional Areas will include ancillary residential and service commercial facilities only.

### new institutional uses

- 7.1 New Institutional land use designations will only be considered on the following basis: (OPA No. 26)

- a) New Institutional Uses will be encouraged in or near Residential Areas where they are of a scale and/or nature that is compatible. Other Institutional Uses require locations on arterial or collector roads or have location needs more in common with places of employment, tourist destinations, industrial uses or commercial properties and will be located accordingly; (OPA No. 26)
- b) New Institutional uses will generally be encouraged to locate in areas where full municipal services are provided;
- c) New Institutional uses will not impact in an undesirable manner on surrounding Residential Areas, nor generate traffic beyond the capacity of the local road system; and
- d) New Institutional uses will be strategically located in relation to the population served.
- e) The development of institutional uses shall conform to the amenity and design, urban design, and compatibility criteria policies in Part 4 of this Plan.
- f) New institutional uses shall be subject to site plan control in accordance with the policies in Section 17.4 of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where an institutional use adjoins a residential use.
- g) New development should have access to a public road capable of accommodating any increase in traffic flow that may result. Access points should be limited in number and designed to enhance pedestrian safety and safe vehicular movement.

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**Official Plan and Zoning By-law designations** (OPA No. 26)

- 7.2** The creation of new Institutional Area designations may not be required to support a new Institutional Use. Preference will be given to designations that reflect the predominant uses and character of the surrounding area:
1. A variety of land uses are categorized as Institutional. Different Institutional Uses provide different services to different segments of the population. They may have different location and servicing requirements and may have different land use impacts.
  2. When Zoning for a proposed Institutional Use, consideration should be given to what succeeding or alternative Institutional and/or non-Institutional land uses may be appropriate for the site. Site and building regulations should produce a built form and site layout that is compatible with surrounding development.
  3. Not all Institutional Uses will be appropriate in the same locations. Generic designations that allow any Institutional Use should be avoided.
  4. The Zoning may distinguish between different types of Institutional Uses, grouping those with similar land use needs and impacts into the same Zone category.
  5. Institutional Uses may be permitted in non-Institutional Zones that permit a range of uses with similar land use needs/impacts. This may be done through site specific zones or even “as-of-right” in the generic Zone. This permits flexibility in potential locations of less obtrusive institutional uses and in potential uses of a property. It also allows appropriate conversions and uses of buildings that may go out of use or change use from time to time.

## 8.0 MAJOR OPEN SPACE AREAS

1. The provision of public recreational space and facilities is an important component for the social wellbeing of the residents of the Town. It is the Town's intent to provide opportunities for the creation of public parks and recreational facilities and to work with local service clubs, school boards, and private citizens to improve and expand the park system.
2. Parks and recreation facilities will be provided to meet the general needs and desires of the residents.

## 8.1 General Policies

### categories

1. The two basic categories of open space in the Town are: publicly owned lands and facilities; and, privately operated parks, open spaces and facilities.
2. Publicly owned lands and facilities including:
  - a) Major Open Space Areas, including Community Parks, Major Parks, and publicly owned Environmental Protection Areas which can accommodate some recreational activities by all residents; and
  - b) Neighbourhood parks and minor open space areas that serve local recreational requirements.
3.
  - a) Privately operated parks, open spaces and facilities such as golf courses and campgrounds
  - b) Proposals to redesignate a golf course for residential use shall only be considered as part of the Lambton County and Town Municipal Comprehensive Review and shall meet the requirements of Part 5 of this Plan. Every such proposal to redesignate a golf course for residential use shall require an amendment to this Plan to implement the Municipal Comprehensive Review.

### interconnected systems

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

### neighbourhood parks

5. Neighbourhood Parks are permitted uses in all land use designations. However, where a publicly owned neighbourhood park is deemed to be surplus to the Town's needs for the purposes of selling to others, prior to entering into an agreement of purchase and sale, the Town shall process a site-specific official plan and zoning amendment that specifically removes 'neighbourhood park' (or similar defined use) from the list of permitted uses applicable to the affected site. This process will be in



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addition to any other public policy that the Town follows prior to the declaration of lands being surplus to the Town's needs.

**community and major parks**

6. Community Parks and Major Parks will be placed in a separate land use designation and will be subject to the policies governing all uses permitted in Major Open Space Areas.

**parkland dedication**

7. Public open space will generally be acquired through the dedication of lands or the payment of funds pursuant to the provisions of the Planning Act, and will be provided in accordance with the following policies that will be applied throughout the entire Town:
  - a) As a condition of residential development or redevelopment conveyance of land to the Town for park purposes will be required at a rate of 5 per cent of the land proposed for development or 1 hectare for each 300 dwelling units proposed or, cash in lieu to the value of the land otherwise required to be conveyed or calculated by using a rate of 1 hectare for each 500 dwelling units proposed;
  - b) As a condition of industrial and commercial development or redevelopment, the conveyance of land to the Town for park purposes will be required at a rate of 2 per cent of the land proposed for the development to the Town for park purposes, or cash in lieu thereof.

**cash-in-lieu of parkland**

8. Cash in lieu of dedicated parkland will be based on the appraised value of any lands required to be conveyed for park purposes in accordance with the appropriate provisions of the Planning Act. Cash in lieu will be accepted if the parcel proposed is not appropriate for parkland.
9. Combinations of cash-in-lieu and parkland dedication may be accepted in some instances. For example, when partial dedication would achieve the desired parkland standard for the area or where private recreational facilities are being constructed.

**condition of dedicated lands**

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

per cent dedication required for other purposes, the Town will attempt to acquire such lands through purchase from the developer.

**multiple unit developments** (OPA No. 26)

12. Any high density, medium density or condominium residential development with over 15 units should incorporate private parkettes for the use of its residents.

**agreements**

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

**other agencies**

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

**permitted uses**

15. Open space and recreational uses will be the primary uses permitted within Major Open Space Areas. Additional uses such as land, water and forest conservation, storm water detention areas, and ancillary structures or buildings, are also permitted.
16. Permitted open space and recreational uses include uses such as the following:
- a) Golf courses including driving ranges and putting greens;
  - b) Public and Private Parks;
  - c) Campgrounds;
  - d) Cemeteries; crematoria shall only be permitted with cemeteries outside of settlement areas;
  - e) Non-commercial gardening including nurseries;
  - f) Botanical gardens;
  - g) Zoological parks;
  - h) Swimming pools, skating rinks and ponds;
  - i) Public trail bicycle racing courses; and
  - j) Ancillary retail commercial uses and parking facilities as long as such uses do not inhibit the operation of the primary use.

**neighbourhood parks not identified**

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

**lands in private ownership**

18. Where any land designated as Major Open Space is under private ownership, the Plan does not intend that this land will necessarily remain as Major Open Space

indefinitely, nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Town or any other public agency.

**conditions of redesignation**

19. Applications for the redesignation to another use of all or part of an existing Major Open Space Area may be permitted by the Town after considering the following:
- a) The existence of any significant or unique natural features and/or environmentally sensitive areas;
  - b) The proposed methods by which the above would be handled in a manner consistent with accepted engineering practice and environmental management methods;
  - c) The costs and benefits in monetary, social and biological value in terms of any engineering works and resource management practices to be used;
  - d) The concerns of the local Conservation Authority and/or the Province;
  - e) The impacts to community amenity and tourism that might result from the loss of the open space and/or recreational resource;
  - f) The ability to provide services to the property;
  - g) The degree to which the property is isolated from settlement areas, and/or would create or perpetuate conflicts or limitations on Agricultural lands or uses; and
  - h) The other policies of this Plan related to parks and open space.

Subject to criteria, the Agricultural Area policies of this Plan permit the establishment of Open Space and Recreational Uses, in situations where the removal of land from Agricultural use would not otherwise be permitted. Subsequent designation of Major Open Spaces in Agricultural areas for other uses will be strongly discouraged. (OPA No. 26)

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

**waterfront access**

21. The Town may endeavour to make use of existing road allowances for public access to the Lake Huron shoreline. Land dedications for parkland that would provide increased access to the waterfront will be encouraged.

## **8.2 Major Parks**

1. Major Parks are intended to provide a broad range of active and passive recreational opportunities. More specifically, Major Parks will:
- a) Incorporate environmentally significant natural areas wherever feasible;
  - b) Provide large open areas which can facilitate active sports activities;
  - c) Provide for low intensity passive recreational activities easily accessible to residents throughout the Town; and

- d) Be located on or near an Arterial Road or Collector Road wherever possible.

### 8.3 Community Parks

1. Community Parks are intended to serve the recreational needs of the residents at the community level.
2. Community Parks will:
  - a) Provide indoor and outdoor recreation facilities serving several residential neighbourhoods within the Town, and provide a focal point for community activities;
  - b) Provide predominantly for active recreational activities;
  - c) Be accessible to the neighbourhood and where possible, subdivision plans should incorporate walkways to new or existing parks;
  - d) Incorporate elements of the natural environment wherever feasible;
  - e) Be located on a Collector or Arterial Road; and
  - f) Be integrated with a school playing field if possible, where shared use of parkland can be facilitated.

### 8.4 Neighbourhood Parks

1. Neighbourhood Parks will generally consist of small children's play facilities at the neighbourhood level and greenbelt areas that serve individual neighbourhoods within a community. More specifically, Neighbourhood Parks will:
  - a) Be centrally located within a Neighbourhood and be accessible to pedestrians;
  - b) Provide opportunities for minor recreational activities;
  - c) Provide opportunities for passive enjoyment of the environment;
  - d) Be located in conjunction with an elementary school, where feasible, in which case no physical barriers shall be created to separate complementary facilities; and,
  - e) Be located on a Collector or Local Road.

#### **use of parkland dedication (OPA No. 26)**

2. For all residential areas with 100 or more dwelling units and/or the equivalent expected in future development, the Town will endeavour to provide at least a neighbourhood-level park within a 10 minute walking distance, preferably without the need to cross arterial or collector roads. These will be provided through maintenance of existing parks and acceptance of parkland dedication in connection with subdivision applications. Where new residential development is already served by a park, additions to existing parks may be accepted or cash-in-lieu will be taken and used for capital investments in existing parks or recreational facilities.

## 8.5 Supplementary Policies

### Paradise Valley Campground

1. The major Open Space Area located near Lake Huron and comprised of Part Lots 38, 39, 40 and 41 in the Front Concession, Part Lots 14 and 15 Concession 14, and the East Half of Lot 15 Concession 13 is intended for major outdoor oriented recreational facilities in a park like setting. It shall be designated Mobile Home Park/Recreational Campground and be subject to the provisions of Section 6.0. (OPA No. 26 and 54)

### Lakewood Christian Campground (OPA No. 26)

2. The Major Open Space Area located at Front Concession, Lots 23, 24 & 25 is intended for a campground facility with associated passive and active recreational facilities, community centre and limited community events.
3. Typical campsite areas shall be 185 square metres and larger and have access to an internal road system. Minimum campsite areas shall be 135 square metres.
4. Associated uses of a non-permanent and easily movable nature and requiring minimal servicing or infrastructure may be permitted within areas identified as “Natural Heritage and Natural Hazard ” subject to any requirements of the Conservation Authority and other requirements of this Section.
5. The addition of four-season camping may be considered by amendment of the Zoning By-law provided there are no significant changes in the nature of the use in the “Natural Heritage and Natural Hazard” designation and Regulated area of the Conservation Authority and there would be no impact on agricultural uses and servicing can be addressed. A site plan agreement will be required to ensure any four-season sites are provided with necessary utilities and waste disposal.
6. Campground expansion may be permitted provided an environmental impact study is undertaken to assess whether the features and functions of the woodlot would be negatively impacted by campground encroachment into the woodlot. A site plan agreement shall be required with the Town, which shall limit environmental impacts.

### Country View

7. The Major Open Space Area located at Lot 16, Concession 4 is intended as a campground and recreational facility. It shall be designated Mobile Home Park/Recreational Campground and be subject to the provisions of Section 6.2.

### development policies

10. In addition to other relevant policies of this Plan the following policies will apply:
  - a) Adequate Minimum Distance Separation must be maintained between recreational uses and farm livestock operations.
  - b) A certificate of approval for an individual sanitary sewage treatment and disposal system for an accessory clubhouse use must be obtained from the Province or its designated agent.

- c) The cost of any extension or enlargement of a piped water system arising from such new development will be borne by the developer.
- d) Only those commercial uses which are incidental and accessory to golf course use are permitted.
- e) Access to Aberarder Line will be limited and any alteration or improvements will be subject to approval by the County.
- f) The subject lands will be zoned in a separate zone category in the implementing Zoning By-law.

### **Sawmill Creek Golf and Country Club**

11. The major Open Space Area comprised of Part Lots 8 and 9 Concession 9 and 10 is intended for a golf course and resort/conference facilities.

#### **permitted uses**

12. The permitted uses include a golf course, clubhouse, resort and conference centre, bed and breakfast facilities, restaurant, pro shop, golf driving range and accessory recreation uses such as a swimming pool and tennis courts.

A limited number of apartment dwelling units may be permitted on North Part Lot 9 Concession 9 as set out in the Zoning By-law provisions. (OPA No. 5)

#### **development policies**

13. In addition to other relevant policies of this Plan the following policies will apply:
- a) Adequate Minimum Distance Separation must be maintained between recreational uses and farm livestock operations.
  - b) Development will only proceed provided that adequate municipal servicing is available to the site. Piped Municipal water and sewers will be required prior to the occupancy of the renovated buildings.
  - c) The cost of any extension or enlargement of a piped water and sewer system arising from such new development will be borne by the developer.
  - d) Access to Lakeshore Road will be limited and any alteration or improvements will be subject to approval by the County.
  - e) The subject lands will be zoned in a separate zone category in the implementing Zoning By-law.

## 9.0 NATURAL HERITAGE AND NATURAL HAZARDS

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

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

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

The Conservation Authority Regulation governs the extent of regulated areas, including around shorelines, wetlands, watercourses or hazardous lands, where development or site alteration is prohibited subject to written approval from the Conservation Authority.

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

While some of the provisions of this section apply more particularly to one designation than another, the policies of this section apply to the "Lakeshore Area" designation on Schedule A, Natural Hazard Areas within the Regulated Areas on Appendix 4, Natural Heritage Features and Areas, including "Significant Woodlands" and "Significant Wetlands" designated on Schedule C of this plan and more generally to any other location where such conditions as described in this section exist.

### 9.1 General Policies

permitted uses

#### 1. Natural Heritage System

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

The system includes:

Group A features:

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

Group B features:

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

Group C features:

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

These features can overlap and the habitat of endangered species and threatened species, fish habitat, and wildlife habitat are functions associated with the habitat features of wetlands, woodlands, ANSIs, valleylands, and watershed systems. The definitions and significance criteria for the natural heritage features are available in the County's Official Plan.

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

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

The features of the Town's Natural Heritage System are identified on Schedule C.

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

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



Note: Review and approval from Fisheries and Oceans Canada maybe required for any development along the shoreline, including shoreline protection works, and review and approval of the Ministry of Environment Conservation and Parks will be required for any development within the habitat of endangered or threatened species.

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

**fill**

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

3. **Natural Heritage Features and Areas Changes to Schedules**

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

4. **Natural Hazard Areas Changes to Schedules**

Minor changes to the boundaries of Natural Hazard Areas may be permitted without an Official Plan Amendment provided an engineering and/or geotechnical study of the hazard has been undertaken to the satisfaction of the Municipality. Council must consider the existing environmental hazards and the potential impact of these hazards and must be satisfied that the hazard has been addressed in a manner consistent with accepted engineering techniques and resource management practices. The Municipality will consult with the local Conservation Authority.

**private lands**

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

**redesignation/purchase**

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

**flood lines**

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

**parkland dedications**

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

**setbacks**

9. Building setbacks will be imposed from the boundaries of natural heritage features in relation to the type of feature, sensitivity of the feature, and degree of proposed disturbance to the feature. A standard setback may be included in the implementing Zoning By-law.

**land severances**

10. Land severances in the Natural Heritage System and Natural Hazards may be permitted in accordance with the Land Division policies of this Plan.

**alteration to significant natural heritage and hazard features**

11. The Town may prohibit all development, dumping or removal of fill, alteration to watercourses and natural drainage areas, removal of tree stands and the installation of roads and services within Group C features of the Natural Heritage System without demonstration by an Environment Impact Study prepared in accordance with this Plan that there will be no significant negative impacts to the features or their ecological functions.

In addition, other lands not within the Significant Natural Areas and Natural Hazard Areas may be subject to the requirement of an environmental evaluation being carried out prior to development approval. Any site alteration, including dumping or removal of fill, or alterations to watercourses and natural drainage areas will require a written permission through the Conservation Authority.

**designation boundaries approximate**

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

Wherever designation boundaries of the Natural Heritage and Natural Hazard Areas are amended in this Plan, the implementing Zoning By-law will be amended as required.

**zoning**

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

**9.2 Significant Natural Areas**

1. The Town will designate Significant Natural Areas as ‘Natural Heritage System’ according to their identification in this Plan as Group A features, Group B features, or Group C features, and will encourage the maintenance of these lands in their natural state where possible.
2. The following areas were identified as natural areas of significance, interest or sensitivity in a 1979/80 survey titled “Lambton County Preliminary Environmentally Sensitive Areas Study”. Additional areas may become known through the completion of Environmental Impact Studies completed in connection with development proposals:
  - a) Aberarder Creek Woodlot – Concession XI & XII, Lot 16
  - b) Camlachie Woodlot – Concession VIII, Lots 4 & 5; Front Concession, Lots 10-13
  - c) Reece’s Corners Gravel Pits – Concession III & IV, Lots 11-15
  - d) Uttoxeter Swamp – Concession IX & X, Lots 22-24
  - e) Egremont Road Woods – Concession VIII, Lots 22-24
3. These areas shall be identified in a separate Zone category with the exception of the Reece’s Corners Gravel Pits.

**Reece’s Corners Gravel Pits**

4. The unique habitat at the Reece’s Corners Gravel Pits is largely the result of human activities – historic and on-going gravel excavations. Excavation activities will be permitted to continue within areas designated for Resource Extraction. Expansion into designated woodlots will be dependent on the conclusions of environmental impact studies. Rehabilitation plans prepared as part of an aggregate resource extraction license should seek to restore the lands to a multi-property network of ponds and forests, rather than just agricultural uses. Creation of public access and a major park space in the long-term will be encouraged. (OPA No. 26)

**significant natural features and environmental evaluations**

5. Significant natural areas shall include features and boundaries that are identified or evaluated as further studies or evaluations are completed subsequent to the adoption of this Plan, including features that have not been comprehensively assessed on a County-wide level such as significant valleylands, habitat of endangered species and threatened species, and significant wildlife habitat. This Plan will reflect the most up-to-date information when adopted and when formally reviewed under Section 26 of the *Planning Act*.
6. The Town will designate provincially and locally significant wetlands, including coastal wetlands in Schedule C of this Plan as identified and delineated using the Ontario Wetland Evaluation System (OWES), and approved by the Ministry of Natural Resources and Forestry (MNRF).

7. The Town will identify significant woodlands in this Plan and its zoning by-law using the criteria and mapping contained in the draft “Lambton County Natural Heritage Study (2014).”
8. Endangered species and threatened species and their habitat are protected by the Endangered Species Act, 2007. Delineations of these areas represent sensitive information and the Species at Risk in Ontario List is subject to change. These areas therefore are not shown on Schedule C of this Plan and will include areas not specifically designated as natural heritage features in this Plan and/or areas not known by the County or Town to be habitat of endangered species or threatened species. Where there is reason to believe that proposed development will be located in or adjacent to the habitat of endangered species or threatened species, the proponent will be notified of the requirement to ensure their due diligence under the Endangered Species Act, 2007, which should include consulting with the Province regarding the need for further investigations.”
9. Fish habitat is not specifically designated on Schedule C in this Plan. Development within 120 metres of surface water features (excluding off-line, man-made ponds) will be directed to the province for screening fish Species at Risk and to the federal government for screening fish habitat. Fish habitat will be protected from harmful alteration, disruption or destruction unless authorized under the *Fisheries Act*. In all cases, the guiding principle of no net loss of productive capacity will be utilized. Further reference shall be made to Section 9.2.7 of this Plan where additional policies are provided for development along watercourses and impacts on fish habitat.
10. Significant valley lands are not specifically designated on Schedule C in this Plan. For purposes of identification, they are lands having a slope of 10 percent or more over a sustained area.
11. Significant wildlife habitat is not specifically designated on Schedule C in this Plan, but may be coincident with other significant natural areas identified by this Plan. Specific wildlife habitats of concern may include areas where species concentrate at vulnerable times in their annual or life cycle or areas which are important to a species' migration or wintering. The Province of Ontario's Significant Wildlife Habitat Technical Guide shall be used to identify and determine significant wildlife habitat on a site-specific basis when development or site alteration requires an environmental impact study.
12. For the purposes of this Section, “adjacent lands” are generally within 120 metres of a feature unless an alternative standard for “adjacent lands” is established in the Lambton County Official Plan or provided for in the policies of 9.5 of this Plan.

**other natural features**

13. It is recognized that there will be natural features, located both within and outside the areas designated as Natural Heritage System that may be important elements of the Town's natural heritage. To protect these, the Town will work with the Conservation Authority, residents, service clubs and/or naturalist groups to identify the natural features, such as rare trees, tree rows, vegetated areas, secondary corridors, linkage areas, and wildlife habitat. Except where the policies of this Plan are more definitive

as to what is required, the Town will encourage development proponents to conserve and enhance these features as part of the development approval process.

**municipal activities**

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

**watercourses**

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

**trees**

16. In order to maintain a healthy stock of mature trees, the Town will require development proponents, as a condition of approval, to preserve mature trees where possible and when trees must be removed, these shall be replaced with new plantings in a reasonable time by trees of similar species and of sufficient maturity to enhance the appearance of the development. In addition, the Town will encourage the introduction of new tree plantings as one component of the development approval process.
17. The Town will require the use of native trees and, to a lesser extent, shrubs wherever practical in connection with landscaping plans, site plan approvals, subdivision agreements, wind breaks and reforestations done in connection with permits to remove trees issued by the County of Lambton. The Town will also use native species for municipal lands and parks and as part of any municipal plantings within public road allowances. (OPA No. 26)

**woodlot management**

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

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

**legislative measures**

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

**tree inventory and preservation plan**

20. Development proponents within or adjacent to wooded areas may be required where appropriate, to submit a Tree Saving Plan, satisfactory to the Town as a condition of approval. The Tree Saving Plan shall:

- a) contain an inventory of existing tree species and condition;
- b) indicate the impact of development on existing trees and the wildlife habitat that they provide;
- c) indicate measures necessary to reduce the negative effect of development;
- d) indicate the trees to be removed and ensure the preservation of the remaining trees;
- e) indicate a plan for the replacement of trees with suitable quality stock, preferably of indigenous species, and maintenance of replacement trees to a free to grow stage;
- f) be included in the development agreement; and
- g) incorporate the requirements of an Environmental Impact Study if the wooded area is part of a Significant Woodland, as defined by the criteria outlined in the County of Lambton Official Plan.

**natural corridors**

21. Improving linkages within the Natural Heritage System through a comprehensive system of primary corridors and linkage features will be encouraged. Stewardship initiatives and compatible land uses will be encouraged in an effort to restore areas of vegetation gaps and woodland openings within these natural corridors. Any reforestation required under the Lambton County Woodlands Conservation By-law or

a Tree Inventory and Preservation Plan should maintain and enhance existing corridors where practical.

### 9.3 Natural Hazards

The Lake Huron shoreline in the Town consists, for the most part, of bluffs, which are particularly susceptible to erosion and slumping resulting from wind and wave action from the lake and inadequate drainage at the top of the bluff. Lake Huron and the major watercourses that drain the Town pose limitations to development because there is a need to protect landowners from flooding, erosion and other unstable conditions. The importance of the lake and inland watercourses as natural habitats for flora, fauna, fish and wildlife, and as major drainage routes is substantial.

Those areas susceptible to flooding and erosion apply more generally to any other location where such conditions as described in this section exist, which may include the Areas Affected by Regulation identified in Appendix 4.

#### 9.3.1 General Policies

1. New development in the Town will be directed away from areas with known or suspected natural hazards, which include:
  - a) flooding, erosion, and dynamic beach hazards related to the Great Lakes System;
  - b) flooding and erosion hazards related to rivers and streams;
  - c) hazardous sites related to organic soils;
  - d) high water table areas and groundwater recharge areas; and
  - e) hazardous forest types for wildland fires.
2. The Town may permit development and site alteration to occur on natural hazard lands and associated sites, except within a dynamic beach hazard (the policies of Section 9.4 of this Plan shall apply) or floodway (One Zone Concept Floodplain), if all the following can be achieved:
  - a) all policies are met with respect to any coincidental natural heritage features;
  - b) hazards can be safely addressed and development and site alteration is carried out in accordance with floodproofing, protection, and access standards and procedures such as those related to hydrogeological and geotechnical engineering practices;
  - c) new hazards are not created and existing hazards are not aggravated;
  - d) no adverse environmental impacts will result;
  - e) vehicles and people have a way of safely entering and exiting the area, as per Provincial Standards during times of flooding, erosion, and other emergencies (unless the site access is appropriate for the nature of development); and
  - f) the proposed use is not an institutional use, essential emergency services, or operations related to the disposal, manufacture, treatment or storage of hazardous substances.

3. The Town will prepare appropriate zoning provisions for natural hazard lands that:
  - a) prohibit uses other than agriculture, conservation, forestry and wildlife management;
  - b) prohibit buildings or structures except where they are intended for flood or erosion control or are normally associated with protection works, bank stabilization projects, transmission or distribution pipelines approved by the National Energy Board or Ontario Energy Board, or electricity transmission and distribution systems; and,
  - c) impose development setbacks in relation to the severity of existing and potential environmental hazards.
4. For any development or site alteration proposed within lands regulated by the Conservation Authority, the proponent must obtain written permission from the Conservation Authority before the Town will issue a building permit.
5. Where an existing legal non-conforming or non-complying building or structure lying within all or part of hazard lands is destroyed in a manner not related to the inherent environmental hazards of the land, the Town shall permit the building or structure to be rebuilt only if the Conservation Authority having jurisdiction permits the reconstruction.

### **9.3.2 Shore Protection**

1. The siting of development will not be dependent on structural shore protection. Setbacks will be used to site the development away from the hazard (erosion, unstable slope, flooding, other wave related hazards).
2. Where shore protection is necessary to address existing development, all approaches will be considered to reduce the risk including relocation of buildings, non-structural and structural works.
3. Section 9.4, *Lakeshore Area*, contains more detailed provisions related to the shoreline area. (OPA No. 9)

### **9.3.3 Flood Plain Policies**

The topographical variations of a flood plain directly affect the nature and characteristics of a flood. There are two different types of topography: 1) valley topography and 2) flat topography.

In valley topography, flood plains tend to be well defined and areas that are subject to flooding are generally distinguishable from areas that are subject to minimal or no flooding. Floods within valley topography tend to be deeper and have higher velocity flows. Due to the flood characteristics there is major concern for loss of life and significant property damage. In this case, a One Zone Concept should be utilized. Under the One Zone Concept, development in the flood plain is rigorously limited.



**regulatory flood standard**

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

**one zone concept**

2. The flood plain for major watercourses exhibiting valley topography is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will be determined in consultation with the local Conservation Authority. Permitted uses, development and site alteration are subject to the policies of 9.3.1 in this Plan

All buildings and structures will be prohibited except for:

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

All such development below the regulatory flood line will require a "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" permit from the local Conservation Authority.

**absence of engineered flood lines**

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

**existing development in the floodplain**

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

**two zone concept**

5. As a condition of development approval, the Town may require an applicant determine and delineate a floodline for lands adjacent to Errol Creek and Bonnie Doone Creek. For those portions of the watercourse not characterized by valley topography, Council may permit the use of a Two Zone Floodplain Concept, whereby development may be floodproofed within the floodfringe area and prohibited within the floodway. This is conditional upon a floodplain analysis indicating there will be no upstream or downstream impacts from development within the floodfringe area. (OPA No. 9)

In accordance with the MNRF Flooding Hazard Technical Guide and the PPS, delineation of a Two Zone floodplain should be based on a depth and velocity analysis and not merely the 100 year flood line and the Hurricane Hazel flood line.

6. It is possible that the delineation of the Natural Heritage and Natural Hazard designation follows the defined flood line, however this may not always be the situation. Accurate mapping of flood lines may not exist in many cases. Where any

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

## **9.4 Unstable Land**

### **setbacks from slopes**

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

### **engineering and geotechnical studies**

2. Where slope stabilization, development or redevelopment is proposed near the top-of-bank of a major watercourse or significant slope, the proponent will consult with the Town regarding the need for geotechnical or engineering studies.
3. Where Ontario Regulations stipulate, the Town will consult with the Conservation Authority, however, outside regulated areas, the Town may consult with the Conservation Authority at its own discretion. The Town will reserve the right to require geotechnical and/or engineering studies and/or works.

## 9.5 LAKESHORE AREA (OPA No. 9)

The Lake Huron Shoreline in the Town consists mostly of bluffs, which are susceptible to erosion and slumping resulting from wind and wave action from the lake and inadequate drainage at the top of the bluff. The following policies apply more particularly to the Lakeshore Area designation.

There is significant pressure for residential development in proximity to the Lakeshore both in terms of new dwellings or reinvestment on existing lots and in terms of the creation of new lots and plans of subdivision.

Proximity to the Lake potentially exposes landowners to flooding, erosion and other unstable conditions. Existing development consists largely of dwellings located on bluffs varying in height, slope and rate of erosion. At Hillsboro North and Fisher Beach, many lots are located entirely below the top of the bank and in Hillsboro South, lots are located entirely on the beach where buildings may be impacted directly by wind and wave action associated with storms. (OPA No. 26)

The importance of the Lakeshore Area as providing natural habitat and linkages for flora, fauna, fish and wildlife is also substantial.

### 9.5.1 Shoreline Management Plan

The St Clair Region Conservation Authority has prepared a Shoreline Management Plan (1996) including the Town's shoreline in accordance with provincial policy. The Lakeshore Area designation is defined by the boundary of the Shoreline Management Plan area as defined in the 1996 edition. The shoreline Management Plan divides the shoreline into two management areas based on the characteristics of the shoreline related to bluff height and beach development. Shoreline Area 1, the High Hazard Area, includes those areas of greatest concern where the bluff may be susceptible to massive failure in the form of slumping and sliding; and those lands adjacent to the shoreline which are susceptible to wave uprush and have historically experienced erosion damages to shoreline protection works and property losses. Shoreline Area 2 represents an additional erosion allowance to address the long term recession of the bluff and uncertainties associated with natural processes and the performance of protective works. It is the intent of this plan that land use decisions will have regard for shoreline hazards. The Shoreline Management Plan contains policies and development guidelines. (OPA No. 26)

#### **bluffs**

1. In bluff areas, erosion comes primarily in two forms: erosion of the toe of the bank by wave action during periods of high lake levels and erosion of the top of the bank through slumping, creeping and bank failure as the bank seeks its natural angle of repose. In the absence of further erosion of the toe, it is assumed this second form of erosion will bring the bank to a natural angle of repose of 3:1 (length:run). The extent of this 3:1 slope forms Area 1, the High Hazard Area, of the Shoreline Management Plan.
2. The Shoreline Management Plan also contains average, long term erosion rates for various lengths of shoreline based on observed, historical erosion data. Area 2, the Medium Hazard, of the Shoreline Management Plan includes an erosion allowance

equal to 100 years of projected erosion. Where erosion has been historically low, a standard setback of 30m from the top of bank is used for the Medium Hazard Area in order to address uncertainties in shoreline processes and performance of protection works.

3. The Shoreline Management Plan further defines bluff areas according to the rate at which erosion has occurred. Low erosion areas are defined as areas having an average annual erosion rate less than 30cm/year, medium as between 30 and 50cm/year, and high as greater than 50cm/year.

**lots below top of bank**

4. In some bluff areas, some lots are located entirely below the top of the bank and entirely within the High Hazard Area. Depending on proximity to the toe of the bank, dwellings on such lots may also be subject to wave uprush as are dwellings located in beach areas.
5. On lots located entirely on the side of bank, a location outside Area 1 may not exist. Redevelopment on these lots will be assessed on a site specific basis dependent on the severity of the hazard. (OPA No. 26)

**beach areas**

6. Hillsboro Beach South is a community with lots located entirely on the beach. Dwellings are located on a remnant dune feature. Wave uprush and storm activity are the primary concerns in such an area. Storms can occur suddenly over the lake. The potential severity of damage depends on the magnitude of a storm and lake levels at the time of a storm. The Shoreline Management Plan defines the High Hazard Area as all land within 15m of the High Water Mark and the Medium Hazard Area as all land 15m landward of the High Hazard Area along this reach of shoreline. (OPA No. 26)
7. Most of the dwellings on the beach area at Hillsboro South are located at the crest of a remnant dune and requiring that reconstructed houses be built as far back on the property from the hazard as possible is not practical. Redevelopment will be assessed on a site specific basis. (OPA No. 26)

### **9.5.2 General Policies**

1. It is the goal of this Plan to apply the following principles in the “Lakeshore Area” designation:
  - i) To implement the principles of Provincial policy and the Shoreline Management Plan in land use decisions through consultation with the local Conservation Authority;
  - ii) To locate buildings and structures in compliance the provincial hazard guidelines, where possible; (OPA No. 26)
  - iii) To reduce the potential risk to human life by discouraging development in hazard areas; (OPA No. 26)
  - iv) To reduce the potential loss of public and private investment by discouraging the amount of investment permitted in hazard areas; (OPA No. 26)

- v) To increase public awareness of the extent and nature of identified hazards;
- vi) To preserve and enhance the natural features and functions of the shoreline and to promote private stewardship;
- vii) To balance the rights and expectations of property owners with these goals; and,
- viii) To balance community character with these goals. (OPA No. 26)

**general policies**

- 2. The Town will generally consult with the local Conservation Authority prior to making any land use decisions within the Lakeshore Area designation.
- 3. Development that would aggravate an existing hazard or create a new hazard shall generally be prohibited.

**size of dwellings (OPA No. 26)**

- 4. The size of dwellings permitted shall be limited according to proximity to and severity of the hazard in order to limit the amount of investment and habitable space exposed to hazards. Minor repairs and renovations to existing dwellings not requiring a building permit shall be permitted.
- 5. Minor additions and/or renovations shall generally be permitted for existing dwellings based on an assessment of the extent and nature of the alterations proposed and the site hazards.
- 6. The permitted size of new dwellings should take into consideration typical house sizes in the immediate area as of the passage of Official Plan Amendment Number 9 in 2003. Recognizing existing investment, the permitted size of a replacement dwelling may instead be based on an increase compared to the previous house size, assuming the existing house has not been recently built or substantially rebuilt. A maximum lot coverage (of lot area above bank) shall also apply.
- 7. Permitted size, height and location will be regulated more stringently, however, where the hazard is severe. Where the hazard is severe, no modification of an existing dwelling shall be permitted except where the dwelling is first relocated away from the hazard.

**location of dwellings**

- 8. In general, the existing setback from a hazard shall not be reduced and no habitable room shall be built closer to the hazard than the existing dwelling.
- 9. It is the goal of this Plan to provide a life expectancy of 100 years to new and reconstructed dwellings in accordance with provincial policy. The location of dwellings within the Shoreline Management Area will be determined by the Shoreline Management Plan policies and guidelines as well as the Authority's Regulation, Ontario Regulation 171/06 "Development, Interference with Wetlands & Alterations to Shorelines and Watercourses" as implemented through the Conservation Authority.

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10. The Town will discourage new dwellings from encroaching closer to the Lake than existing development where not necessary to do so.
  11. Reductions in required yard setbacks shall be permitted for the purpose of increasing the setback from a hazard. The degree of reduction shall take into consideration the character of the area, setbacks from utilities and hazards related to proximity to the street.
  12. Nothing shall prevent the relocation of a dwelling provided the dwelling is relocated outside the hazard or as far from it as possible and there is no increase in size or structural alteration other than a new foundation.

**accessory uses**

13. Accessory structures may be permitted in hazard areas. Maximum sizes and permitted locations shall be outlined in the Zoning provisions. Accessory structures may also be subject to a site specific assessment of the hazard by the CA. Such structures must not aggravate or create a hazard. The location of accessory structures shall not impede the maintenance or future installation of protective works. Accessory structures shall not be permitted on the beach. (OPA No. 26)
14. The responsibility to maintain or remove such structures damaged by lakeshore processes shall lie with the owner.

**natural heritage**

15. Land use decisions shall have regard for the importance of the Lakeshore Area as natural habitat for flora, fauna, fish and wildlife. The need to preserve trees, vegetation and natural linkages and corridors for wildlife will be considered.
16. Land use decisions shall have regard for natural coastal processes such as the functioning of littoral cells – the movement of sediments between source and sink areas.

### **9.5.3 Implementation**

#### **9.5.3.1 St Clair Region Conservation Authority's Role (OPA No. 26)**

1. The Town recognizes amendments to the *Conservation Authority Act* and 2006 Regulations that mandate the Conservation Authority to protect future development from lakeshore erosion hazards. The Conservation Authority has the legislative ability to require approvals to develop, impose conditions and/or prohibit new construction and placement and removal of fill. This gives them the ability to address erosion and hazard issues on a site-specific basis – something that is not easily done through the Town Zoning By-law.
2. The Town will support the CA and its role in implementing policies and guidelines contained within the Shoreline Management Plan and development guidelines issued under Regulation 171/06 "Development, Interference with Wetlands & Alterations to Shorelines & Watercourses". The Town will ensure their planning policies are consistent with the provincial hazard policies and the CA's Shoreline Management

Plan. The Town has the ability through the Zoning By-law to regulate land use issues such as community character, aesthetics and proximity to streets. The Town will primarily rely on the Conservation Authority process to address shoreline hazards and to assist and support in natural heritage protection. Where the Conservation Authority has the ability to assess the appropriateness of proposed addition or dwelling sizes as it relates to the hazard, the Town will encourage them to impose limitations on size.

3. With regard to non-hazard land-use issues or items outside of the CA's ability to regulate, the Town will encourage the Conservation Authority to have regard for the policies of this Plan and the Zoning By-law in order to avoid issuing approvals that do not conform to Town requirements and/or would not be supported by the policies of this Plan.

#### **9.5.3.2 Zoning By-law (OPA No. 26)**

1. The Zoning By-law will generally follow the principles of the Shoreline Management Plan. The Zoning By-law will provide some flexibility in order to recognize the Conservation Authority's permitting process and to minimize the need to duplicate municipal processes such as minor variances. This may mean the CA may prohibit some construction and activities not specifically prohibited by the Zoning provisions.
2. The Zoning By-law will determine maximum permitted floor areas for new dwellings, replacement dwellings and expanded dwellings.
3. Areas included in the Lakeshore Area designation shall be zoned separately in the Zoning By-law. Zoning provisions may impose limitations based on erosion rates and location relative to the extent of the High and Medium Hazard Areas (Area 1 and 2) of the Shoreline Management Plan.

#### **9.5.3.3 Site Plan and Other Agreements (OPA No. 26)**

1. For any development within a regulated area, an approval may be required from the SCRCA under Regulation 171/06. Development under the *Conservation Authority Act* means: the construction, reconstruction, erection or placing of a building or structure of any kind, any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure, site grading the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere. It is the Town's preference to rely on the Conservation Authority's approval process although Council or the Committee of Adjustment may require a site plan or development agreement with the property owner as a condition of any special approval or in order to support a condition of a Conservation Authority approval.
2. As part of a site plan agreement, the Town shall consider what measures may be necessary for the purpose of addressing concerns relating to hazards inherent to a property.

3. The Town will generally require the submission of a current survey of a property to determine the location of the toe of the bank, the 3:1 slope and the applicable zoning provisions.
4. While it is the intent of this Plan to limit the cost to property owners of geotechnical, coastal engineering and similar studies, the Town reserves the right to require the property owner to provide at no expense to the Town such information as the Town requires to determine the need for and the appropriate means of addressing a hazard.
5. Where structural works or site grading or drainage work is required as a condition of approval, the Town may require that such work be completed prior to the issuance of a building permit for the main structure.
6. A site plan shall take into consideration the potential for preservation and enhancement of natural features and functions.
7. Where a property owner enters into an agreement with the Town, construction must commence within a reasonable time and prior to any major disturbance in the bank or approval may lapse.

#### **9.5.3.4 Committee of Adjustment**

1. The Committee of Adjustment may consider providing relief from the provisions of the Zoning By-law that apply to properties in the Lakeshore Area designation. Committee will generally refuse applications that ignore the intent of the Zoning provisions.
2. Committee may consider granting relief from the provisions of the Zoning By-law in the following situations:
  - i) where a dwelling's location encroaches only marginally into a location with greater restrictions;
  - ii) where the Zoning by-law is more restrictive than the SMP;
  - iii) where, relative to the severity of the hazard, the required location is near the existing location and relief would allow the use of the existing foundation;
  - iv) where geotechnical studies indicate a more stable slope than assumed;
  - v) where there is a location on the lot that better addresses the hazard or avoids other hazards not addressed by the zoning provisions;
  - vi) where the Conservation Authority has granted approval or provided written clearance to construct under the *Conservation Authorities Act*, or, (OPA No. 26)
  - vii) where otherwise deemed appropriate by the Committee of Adjustment.



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3. The Committee shall apply such conditions of approval as it feels necessary to address the hazard and will generally obtain the local Conservation Authority's recommendations in doing so.

#### **9.5.3.5 Addressing a Hazard**

1. Various means for addressing a hazard may be imposed by the Town as conditions of site plan or development agreement approval or as conditions of minor variance. Such methods may be required as a condition of development but shall not be substituted for compliance with the intent of the Zoning By-law.
2. Where development requires that the hazard be addressed, the following methods may be considered for that purpose where appropriate:
  - a) Appropriate development setbacks shall be the primary means of providing erosion protection.
  - b) Shoreline protection designed by a coastal engineer may be considered where it would provide long term protection or, as a minimum, mitigate the hazard.
  - c) Piles and other deep foundations may be used to transfer loads to depths where soils or materials are less likely to be subject to erosion or movement. No dwelling will be permitted where the foundation of the dwelling is supported by material located within the natural angle of repose.
  - d) Dwellings located in areas subject to flooding hazards shall comply with the Building Code regarding construction in floodplains.
  - e) Engineered designs will be required in compliance with the Building Code in areas where unstable conditions exist.
  - f) Dwelling designs that would permit a dwelling to be removed from a lot quickly and cost-effectively may be considered having consideration for the character of an area. Mobile homes shall not be permitted.
  - g) Other measures may be imposed as deemed appropriate by the Town.
3. Various means of addressing a hazard are not appropriate in every situation and may even aggravate or create new hazards. The Town will generally consult with the local Conservation Authority prior to imposing any such conditions. Property owners are required under Regulations passed under the *Conservation Authorities Act* to obtain approvals from the Conservation Authority prior to installing private protective works. The Town and the CA will mutually support conditions required for addressing a hazard in order to avoid conflicts that may arise. (OPA No. 26)

#### **9.5.3.6 Land Division**

1. The creation of new lots in the Lakeshore Area designation will generally be discouraged except where both the retained and severed lots provide an ample building envelope outside of the Lakeshore Area designation. Encroachment of dwellings into the Lakeshore Area on lots created subsequent to the implementation

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of this Plan is generally prohibited. Consolidation of lots located in the Lakeshore Area is encouraged.

2. Council may require that erosion information and surveys be produced or updated by a developer prior to approval of a severance, plan of subdivision or plan of condominium. A minimum of 10% of Lake Frontage may be required for public beach access as a condition of approval. Private beach ownership is discouraged.
3. Where land is subdivided, determination of ownership of the toe of a bluff (whether it be private, communal or public) shall have regard for with whom responsibility for maintenance of the toe lies and for how much of a need for a community based approach to maintenance exists.

#### **9.5.3.7 Municipal Role**

1. The Town may participate in projects to provide long-term protection to lakeshore properties but shall not be obligated to do so on either private or public land.
2. The responsibility for the installation and maintenance of shore protection shall be that of the property owner.
3. The Town has experienced problems with development occurring without proper permits and does not have resources to provide enforcement. Forms of development that could be easily converted to uses adverse to the intent of this Plan may be prohibited. (OPA No. 9)

#### **9.6 Environmental Impact Studies**

1. An Environmental Impact Study shall be required in accordance with the policies of this Plan for development and site alteration within natural heritage features, or on lands adjacent to the natural heritage features. The study shall demonstrate that the proposed development will not result in negative impacts on the natural heritage features or the ecological functions for which the feature is identified. The study should determine the type(s) of natural heritage feature(s) and its ecological functions; the sensitivity of the features to disturbance, the degree of impact of the proposed disturbance, and methods proposed to alleviate such impacts. The final development plans shall address the recommendations of the study, which may include buffers or setbacks between the feature and the proposed development.
2. An Environmental Impact Study (EIS) required under this Plan shall be submitted with the development application and shall be prepared and signed by a qualified biologist or environmental planner. A peer review of the EIS may be required by the Approval Authority. The scope and the content of the EIS should be discussed with the Approval Authority prior to commencement of the study.
3. a) An Environmental Impact Study (EIS) shall be required for development on lands adjacent to significant natural heritage features (i.e. Group A and Group B features). The lands defined as Adjacent Lands are generally within 120 metres of a feature, unless an alternative standard for Adjacent Lands is established through the Lambton County Official Plan.

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- b) The extent of Adjacent Lands where an EIS is required may be reduced on a site-specific basis, based on the nature of the features, the existing conditions of the site and surrounding lands, the scale of the proposed development, and the likelihood of negative impacts to the natural heritage features.
    - c) An Environmental Impact Study may be required for development within or adjacent to Group C features, as determined by the Town in consultation with the Conservation Authority.
  4. Environmental Impact Studies shall be completed in accordance with the process requirements as outlined in the Lambton County Official Plan.
  5. The required scope and/or content of an EIS may be modified through pre-consultation with the Town, County, and the Conservation Authority where the environmental impacts of a development application are thought to be limited, or if other environmental studies fulfilling some or all requirements of an EIS have been accepted by the Town and County.
  6. An Environmental Impact Study may not be required where the Town, in consultation with the County and the Conservation Authority, determines that no negative impacts would be anticipated on the feature or adjacent lands. The requirements for an Environmental Impact Study may be reduced or removed in the following circumstances and only where no negative impact is anticipated:
    - a) Where the proposed development is small scale (non-agricultural development); or
    - b) Where the proposed development is small or medium scale (agricultural development only); or
    - c) Where the proposed development is not in an area regulated by the Conservation Authority; or
    - d) Where the proposed development is on an existing lot of record; or
    - e) Where the development is an addition to an existing structure located away from the feature; or
    - f) Where the proposed development is separated from the feature by a road or existing development; or
    - g) Where the development is wholly contained within the existing footprint or includes a minor addition that is > 15m from the feature.
  7. An EIS is not required for uses authorised under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation or a watershed plan carried out by Lambton County and/or a Conservation Authority.
  8. Where it is demonstrated that all, or a portion of, a Group B or Group C feature does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Group B or Group C feature or adjacent land then the restrictions on development and site alteration set out do not apply. This policy requires an EIS or study through an Environmental Assessment process to determine whether the designation is still appropriate.

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9. The Town, in coordination with Lambton County and in consultation with the Conservation Authority, may develop guidelines for the evaluation of development proposals consistent with the natural heritage policies of this Plan.
10. Tree and Woodland Protection
- a) The Town recognizes the importance of trees and woodlands to the health and quality of life in our community. The Town shall encourage sustainable forestry practices and the protection and restoration of trees and forests.
  - b) Opportunities for tree planting on Town-owned lands (such as lands designated Open Space and inactive portions of parks) shall be identified and implemented in co-operation with government agencies and local interest groups. In restoration efforts, the Town shall plant only indigenous species, preferably those of local origin.
  - c) Where the Town is undertaking infrastructure work, existing woodlands shall be protected and preserved, where feasible. If it is necessary for infrastructure works to destroy any trees, the Town shall endeavour to compensate by re-planting on site and/or planting trees elsewhere. Should the removal/destruction of any trees that are listed as threatened or endangered species be required to complete infrastructure works, the Town will contact the appropriate Provincial authority to determine the necessary approvals and mitigation.
11. Any land dedication that may be accepted by the Town shall be managed consistently with the Natural Heritage Policies of this Plan.

## 10.0 RESOURCE EXTRACTIVE

### permitted uses

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

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

### general policies

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

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

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

### wayside pits and asphalt plants

3. Wayside pits and quarries, and portable asphalt plants, used on public authority contracts will be permitted in all land use designations except Natural Heritage and Natural Hazard Areas and areas where conflicts with existing developments would occur. A Zoning By-law amendment will be required to establish a new wayside pit or quarry in an area of existing development or in an area of particular environmental sensitivity.

### extractive operations on lands designated

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

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- a) The effect on the water resources, the Natural Heritage System and the Natural Heritage Features within 120 metres of the subject lands through the preparation of an EIS, and a hydrogeologic study;
  - b) The effect on ground water and existing wells surrounding the property including on or adjacent to potential recharge areas;
  - c) A rehabilitation plan;
  - d) A site development plan, which includes the following information:
    - i. The shape, topography, contours, dimensions, size and location of the property to be redesignated and/or rezoned as well as the extent of adjacent property held for future pit or quarry operations,
    - ii. A description of the surrounding lands including land uses, location and use of buildings and structures, fences, significant natural features and wells within a distance of 120 metres and other lands owned by the applicant;
    - iii. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property,
    - iv. Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks,
    - v. Drainage provisions,
    - vi. All entrances and exits,
    - vii. As far as possible, ultimate pit development or quarry development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation, and where possible intended use of the land after the extractive operations have ceased, and
    - viii. Cross-sections through the deposit and the estimated quality and quantity of the resource;
  - e) The haulage routes proposed to and from the site, the traffic volumes anticipated and a traffic impact study;
  - f) The effect of the operation on nearby residents including noise, dust and vibration concerns;
  - g) The effect on archaeological resources and cultural resources;
  - h) A Planning Assessment Report, which assesses land use compatibility and policy conformity issues including the relevant policies of this Plan, except that demonstration of need shall not be required;
  - i) For applications on lands currently designated Agricultural Area, the applicant shall further demonstrate that the rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality, including soil capability for agriculture are restored; and
  - j) Such other relevant matters, as Council deems necessary.

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**extractive operations on lands zoned**

5. The Zoning By-law may contain Holding provisions which will be used where it is necessary to zone lands for development where the future land use has been sufficiently justified but where there are outstanding matters which cannot be handled through zoning and more specifically identified as:
- a) Water, wastewater and/or storm water servicing requirements;
  - b) Road improvements or extensions;
  - c) Dedication of lands for park purposes or payment of cash-in-lieu for park land dedication;
  - d) Verification of suitable environmental site conditions;
  - e) Special land use policies, including but not limited to policies to guide redevelopment or certain lands and/or policies to guide appropriate urban design;
  - f) Phasing of development; or
  - g) An Environmental Impact Study which determines specific measures to prevent impact on natural heritage features;
  - h) An assessment of natural hazards.

**extractive operations on lands not designated**

6. The establishment of new resource extractive operations or expansions to existing operations on lands not designated Resource Extractive will require an amendment to both the Official Plan and the Zoning By-law. Applications to amend the Official Plan and By-law must be supported with the following information:
- a) The location, shape, topography, contours, dimensions, area and characteristics of the lands to be used for the new resource extraction operation;
  - b) The use of all land, and the location and use of all buildings and structures on the subject lands and within 500 metres (1640 feet) of any of the boundaries of the lands to be used for the resource extraction operation;
  - c) The specific location, type, quantity and quality of the mineral resources within the lands to be used for resource extraction purposes;
  - d) Plans showing progressive grade changes, excavation setbacks, proposed buildings, changes to the drainage systems, access points, mineral storage areas, screening and berming and progressive rehabilitation of the site during the active life of the resource extraction operations;
  - e) All proposals for new licensed mineral aggregate operations shall include plans for rehabilitation. These rehabilitation plans shall:
    - i. Provide for progressive sequential rehabilitation wherever feasible;
    - ii. Be prepared in detail by a recognized expert under the Aggregate Resources Act prior to any approvals being given;
    - iii. Be compatible with the long-term uses permitted by the Official Plan;

- iv. Provide a detailed agricultural rehabilitation plan where lands have a Class 1, 2 or 3 soil capability. Rehabilitation must ensure that substantially the same acreage and same average soil quality including soil capability for agriculture are restored; and
  - v. Consider the surrounding land uses and approved land use designations and recognize the interim nature of extraction, and,
- f) The requirements of Policy 11.4 of this Plan.

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

**pit rehabilitation**

7. When the extraction of the mineral resources has been concluded in accordance with all site plan agreements, and all rehabilitation requirements, the Resource Extractive Areas will only be used in accordance with the Official Plan for the Town and Agricultural Area policies and land use designations of this Plan.
8. Progressive or sequential rehabilitation of lands within Resource Extractive Areas will be encouraged in accordance with a rehabilitation plan prepared in accordance with the *Aggregate Resources Act*, as amended.

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

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

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

**Reece's Corners Rehabilitation Plans (OPA No. 26)**

9. The extractive operations at the Reece's Corners Gravel Pits located at Concession 3 & 4, Lots 11-15 have created a unique network of habitat and the area has been identified as an area of environmental interest. As per Section 9.2, pit rehabilitation plans shall seek to restore a network of ponds and wooded areas in the area of the Concession Line. In connection with new licences and amendments to operation



and/or rehabilitation plans under the Aggregate Resources Act, the Town will require compliance with this Plan to the extent feasible.

**Provincial requirements**

10. All resource extractive uses must satisfy the requirements of the Province as to water supply, disposal of liquid wastes, pumping operations, the control of air and noise pollution and vibrations where blasting is involved.
11. Mineral aggregate resource operations and associated operations may be required to enter into a development agreement with the Town. Such an agreement may include, but not limited to the following:
  - a) Access routes to be used and requirements for the improvement and maintenance of access routes;
  - b) Restoring damages;
  - c) Arrangements for adequate screening to provide a visual buffer between the proposed aggregate operation and any road or surrounding sensitive land use. Such screening shall be established effectively prior to operations commence;
  - d) Provision for acceptable discharge and storage practices;
  - e) Issues of public safety, public health and environmental impacts;
  - f) Other matters as Council may deem necessary and in the public interest.

**extractive operations on lands not zoned**

12. **Zoning**

Aggregate Resource Extraction shall be recognized in the comprehensive Zoning By-law. Any commencements or expansions shall require an amendment to the comprehensive Zoning By-law and where applicable a license from the Ministry of Natural Resources.
13. Setback distances for licensed operations are set out by regulation in the Aggregate Resources Act. Similarly, all proposed development adjacent to a licensed quarry must maintain a minimum setback of 500 metres from the quarry operation. All proposed development adjacent to a licensed pit must maintain a minimum setback of 300 metres from the pit operation. The above distances may be reduced if proponents of any proposed adjacent development can demonstrate through studies that any potential hazards or land use conflicts with adjacent Extractive Industrial operations can be eliminated through the incorporation of special planning design and construction techniques like landscaping, buffering, setbacks or other mitigation measures. Proposed development shall demonstrate that it will not result in the preclusion or hindrance of the expansion of the mineral aggregate operation or its continued use or will not be incompatible for reasons of nuisance, public health, public safety or environmental impact.
14. In providing comments to the Ministry of Natural Resources on an application for license under the Aggregate Resources Act, the Town shall consider the need for screening, setbacks, fencing, hours of operation, surface and groundwater monitoring, noise, air quality, traffic control, rehabilitation, vibration from blasting, the cumulative effects of the proposed license area together with existing licensed areas

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on agriculture, environment features, commercial and residential areas and such other relevant matters as are considered appropriate by the Town.

15. In considering an application to amend the Official Plan and Zoning By-law, Council shall consult with Provincial Ministries and any other agency having jurisdiction to ensure that the activities of, and rehabilitation of, an extractive operation will be carried out in accordance with the appropriate legislation and to ensure that the effects on the social and natural environment are properly considered.
16. Planning decisions shall take into consideration the locations of oil and gas resources as identified in the County of Lambton Official Plan. The mapping of the resources in the County Official Plan is not definitive and may have historical inaccuracies. For sites with or near resource features, the Town and development proponents should reference the Ontario Oil, Gas, and Salt Resources Library for the most up to date information and specific feature details including estimated accuracy of well locations. In coordination with Lambton County, the Town shall consult with the Province:
  - a) Where new development is proposed adjacent to or in areas of known oil or gas pools;
  - b) Regarding new non-petroleum developments located less than 75 metres from existing wells. This setback should ensure adequate spacing around the well head to provide access for maintenance and general safety;
  - c) Where development is proposed above former and potential salt solution mining operations and resources; and
  - d) Where assistance is needed in the identification of well sites, in areas suspected of containing improperly plugged wells.
17. As a condition of development approval, the Town will require that improperly abandoned (plugged) wells that are known or discovered on the lands during the development process will be properly plugged, capped or otherwise made safe in accordance with Provincial requirements. Building locations should be examined for the presence of possible well sites using established standards, procedures, and mapping. Areas where wells are located should be avoided when siting buildings, unless it can be demonstrated that development can safely occur. If possible, building should not be located over known abandoned or plugged wells.

## 11.0 REECE'S CORNERS POLICY AREA

Reece's Corners and the Highway 402 Service Centre lands (at Oil Heritage Road and Highway 402) shall be an Employment Area in accordance with the Provincial Policy Statement (2020).

### permitted uses

1. Generally the permitted uses should be land extensive commercial and industrial uses that may be inappropriate within an established commercial area or industrial area of Wyoming as the Urban Centres for the Town.
2. In addition, existing dwellings, institutional uses, and agriculture exclusive of livestock operations are also permitted within the Reece's Corners Policy Area. New residential uses are prohibited. New sensitive land uses that are not ancillary to employment uses are prohibited.
3. Trailer sales, a trailer campground and a mobile home park will be permitted on lands described as Part of West ½ of Lot 14, Concession 4 and consisting of 2.34 hectares.

### commercial development

4. Permitted commercial uses may include highway commercial uses such as: automotive sales and service establishments, farm implement sales and service establishments, restaurants, motels, lumber yards and other land extensive uses. In addition, a limited amount of commercial retail, office and personal service uses may be permitted. Such uses would be directed to the existing Reece's Plaza lands.

### industrial development

5. Permitted industrial uses will be limited to industrial uses with operations and/or manufacturing processes that do not require direct consumption of water and discharge wastewater only from ancillary facilities such as washrooms. Such uses may include small scale manufacturing, repair and servicing of vehicles and other goods, warehousing and bulk fuel depots.

### other permitted uses

6. Institutional uses in the Reece's Corners Policy Area designation may be permitted in accordance with policies of Section 3.5.
7. Agricultural uses, excluding livestock operations, in the Reece's Corners Policy Area designation may be permitted in accordance with the policies of Section 2.

### access

8. Road access will be subject to the appropriate Local, County or Provincial road authority regulations and should be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic. The sharing of access points or the construction of internal service roads will be encouraged.
9. Lands designated Reece's Corners Policy Area shall not be redesignated or rezoned to any other non-employment land use, except through a Municipal Comprehensive Review in accordance with the policies of Section 17.1 of this Plan.

**suitability**

10. All new development will be compatible with existing and future surrounding development. Land uses which appear to be incompatible will be separated by increased setbacks and buffering measures where appropriate. The Town must be satisfied that proposed retail and office commercial uses would not be better suited to lands within the Central Commercial Area of the Urban Settlement Area (Wyoming).

**site plan control**

11. New development may require site plan approval pursuant to the Site Plan Control provisions of this Plan. The site plan agreement may, among other things, ensure that adequate buffering is provided where a commercial or industrial use may be adversely affect an adjacent land use.

**zoning**

12. Highway commercial and retail commercial uses will be placed in separate zoning categories in the implementing Zoning By-law. Industrial uses will be zoned in one or more separate zoning categories in the implementing Zoning By-law. The Zoning By-law will also contain regulations governing access, parking and loading requirements. The outside storage of products, equipment or other material should not be permitted unless the storage area is suitably screened. Appropriate standards for outside storage will be incorporated in the implementing Zoning By-law.

## 12.0 HIGHWAY 402 SERVICE CENTRE

Reece's Corners and the Highway 402 Service Centre lands (at Oil Heritage Road and Highway 402) shall be an Employment Area in accordance with the Provincial Policy Statement (2020).

### permitted uses

1. The primary use will be Highway 402 Service Centre uses. Highway 402 Service Centre uses are land uses that are functionally dependent upon proximity to a controlled access highway and include uses such as restaurants, accommodation uses, vehicle refuelling facilities, tourist information centres, truck stops, transport terminals, and custom bonding houses. Uses that are secondary, or supportive, to such principal uses (including offices and dwelling units) will also be permitted provided they are low sewage generators both at the time they are established and in the long-term.

New residential uses are prohibited. New sensitive land uses that are not ancillary to employment uses are prohibited.

Supplementary uses will also be permitted.

### supplementary uses

2. The types of permitted supplementary uses which may be set out in the implementing Zoning By-law include:
  - a) warehousing, wholesaling and storage;
  - b) farm machinery sales and service;
  - c) travel trailer, recreation vehicle and modular or mobile home sales and displays;
  - d) retail lumber and building supply establishment.

### servicing

3. Development may occur on private sewage disposal systems. The servicing requirements for service centre commercial uses will be determined in accordance with the requirements of the Ontario Building Code. If the daily sewage flow exceeds 10,000 L per day (as calculated under the Building Code requirements), approval is required from the Ministry of the Environment. Individual properties serviced by private sewage disposal systems must be developed so that adequate reserve septic area is available for any necessary future upgrade or replacement of its private septic system. Uses permitted on private sewage systems must be low sewage generators and must have a low employee-to-floor space ratio.

### access

4. Road Access will be subject to the appropriate Local, County or Provincial road authority regulations and should be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic. The sharing of access points or the construction of internal service roads will be encouraged. All permitted uses shall have frontage and access on a public roadway.

**site plan control**

5. a) New development will require site plan approval pursuant to the Site Plan Control provisions of this Plan. To enhance the image of the County and the Town, a high standard of building and site design, including signage and landscaping, will be required. Development will take place in a manner that minimizes negative impacts on surrounding farming activities and natural heritage areas.
- b) Site plans will show that adequate area is available for any necessary future upgrade or replacement of private septic systems.

**zoning**

6. The Highway 402 Service Centre will be initially zoned in a holding zone (unless a specific parcel is being zoned for a known use) to establish the principle of development, and to ensure that all design, servicing, and access issues are satisfactorily addressed before development proceeds. The holding symbol will only be removed after the Approval Authority under *Ontario Building Code*, *Ontario Water Resources Act*, and/or *Safe Drinking Water Act* is satisfied with respect to private servicing is satisfied with respect to the servicing of the development, and a Site Plan Agreement is entered into with the Town.

**staging**

7. All development will be staged so that the potential for environmental impacts can be monitored and appropriately dealt with before any expansion to the designated areas will be approved. Any expansion of the Highway 402 Service Centre designation will only be permitted by amendment to this plan.

**servicing**

The Province and/or its delegate will be consulted in connection with the provision of adequate water supply and sewage disposal systems. The provision of adequate servicing, including potable water and sanitary sewage systems, to the site is required by the County.

**signage**

Signage greeting travelers exiting Highway 402 will be provided within road allowances and at private businesses that promote strong regional and local identity and attractions. Such signage will be coordinated between interchanges. The Province will be consulted with regard to the introduction of signage regulations which allow businesses along the highway to effectively advertise their uses.

**site design**

The design of new development shall be walkable, barrier-free and accessible, where possible. New development should conform to the urban design policies in Section 16.3 of this Plan

11. New development in proximity to 402 Interchanges shall comply with the policies in Section 3.8 Highway 402 Service Centres of the County Official Plan.

12. Lands designated Highway 402 Service Centre shall not be redesignated or rezoned to any other non-employment land use, except with the support of a Municipal Comprehensive Review in accordance with the policies of Section 17.1 of this Plan.

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### 13. CANNABIS CULTIVATION AND PRODUCTION

1 Definitions:

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

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

- a) Mixed-Commercial Industrial
- b) Reece's Corner Policy Area

Cannabis production facilities within all other land use designations, except Agricultural and Restricted Agricultural Area in accordance with Policy 13.3, are prohibited.

3 Within the land use designations specified in Section 13.2 of this Plan, a cannabis production facility shall require a rezoning application and a Site Plan application to be approved by Council. Both the rezoning application and Site Plan shall address the following:

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

4 For lands designated "Agricultural Area" and "Restricted Agricultural Area", a cannabis production facility may be permitted in a building and shall require a rezoning application and a Site Plan application to be approved by Council. Both the rezoning application and the Site Plan application shall address the following:

- a) Conformity with the Province of Ontario's Sensitive Land Use Guidelines ("D-6"), as amended from time to time;
- b) Conformity with the Province of Ontario's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas;
- c) Minimum Distance Separation Analysis;
- d) Noise, odour, and wind through studies prepared by a qualified professional;



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- e) Photometric analysis including studies of night light and impacts prepared by a qualified professional;
  - f) Servicing including stormwater management;
  - g) Security plan and site design for security;
  - h) Waste management plan;
  - i) Mitigation plan including mitigation for sensitive land uses.

5 A cannabis production facility is defined as an indoor facility in accordance with Policy 13.1 of this Plan. Outdoor cultivation and processing of cannabis shall require an amendment to this Plan, a rezoning, and a Site Plan application to be approved by Council. Outdoor cultivation and processing may be considered only in the Agricultural Area and no other land use designation. Applications for outdoor cultivation and processing shall address the requirements of Policy 13.5 of this Plan.

**PART 3**  
**MUNICIPAL SERVICES & UTILITIES**

- |             |  |
|-------------|--|
| SECTION 14  | Transportation Policies  |
| SECTION 15  | Public Uses & Utilities Policies                                       |
| SECTION 16  | Municipal Services, Stormwater Management, and Sensitive Uses Policies |
| SECTION 17. | Alternative and Renewable Energy Systems                               |

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## **PART 3: MUNICIPAL SERVICES AND UTILITIES**

### **14. TRANSPORTATION POLICIES**

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

#### **14.1 Road System**

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

#### **14.1.1 Provincial Highways**

1. Provincial Highways within the Town fall under the jurisdiction of the Province. Some of these function as "controlled access" highways, which are multi-lane roadways with full access control provided by grade-separated intersections. They are designed to carry large volumes of traffic over long distances.
2. Development adjacent to Highway 402, will be strictly controlled to avoid undesirable land use patterns and to ensure that ease of access to and from Highway 402 is maintained with a minimum of restrictions on traffic flow.
3. All Provincial Highways will function as Arterial Roads.

#### **14.1.2 Arterial Roads**

##### **function**

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

##### **access**

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

##### **right-of-way width**

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

##### **intersection improvements**

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

**new intersections**

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

**setbacks**

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

**high traffic land uses**

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

**trucks**

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

**14.1.3 Collector Roads****function**

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

**access**

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

**right-of-way width**

- c) Collector Roads will have a minimum right-of-way width of 20 metres (66 feet).

**intersection improvements**

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

**location and design**

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

**14.1.4 Local Roads****function and access**

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

**right-of-way width**

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

#### **14.1.5 Heritage Roads (OPA No. 26)**

1. Egremont Road was the first road in the Town and the first land route between London and Lake Huron. Settlers first settled in the former Plympton Township along Egremont Road under the patronage of Lord Egremont.
2. Egremont Road is designated as a Heritage Road as shown on Schedule "C". The Town will encourage formal recognition of Egremont Road as a Heritage Road by other jurisdictions and levels of government both within Plympton-Wyoming and beyond its borders.

##### **function and access**

3. Heritage Roads function as local or collector roads in terms of the traffic volumes they carry.
4. Works, facilities and development shall seek to preserve the historic integrity of Heritage Roads. No widening, straightening, intersection improvements or other upgrading shall be permitted that would lead to a Heritage Road becoming an Arterial Road carrying medium to high volumes of traffic.
5. Under the *Highway Traffic Act* the Town may prohibit heavy truck traffic on any Heritage Road.
6. Where access is available to another road, preference shall be for such other road to be used for the main access of any individual private property or subdivision. A secondary access may be permitted onto the Heritage Road. The recommendations of any traffic impact study shall be taken into consideration.

##### **tourism**

7. Tourism-oriented uses, events and home businesses that promote the history associated with Heritage Roads and support the attraction of tourists to the Town are encouraged.

##### **signage**

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

#### **14.1.6 General Road Policies**

##### **Use of Road Allowances**

##### **municipal services**

1. Services provided or to be assumed by the Town shall be required to be located within road right-of-ways or, when not otherwise feasible, in easements specifically for such purpose. (OPA No. 26)

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**public utilities**

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

**other public services**

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

**relocation of services**

4. The primary function of all road rights-of-way is to serve the transportation system needs of the Town. The secondary function of all road rights-of-way is to provide for the distribution of municipal services and utilities to inhabitants of the Town. Where a road right-of-way is used for any other purpose (such as the provision of other public services or transmission lines), such use shall be at the risk and expense of the proponent. The Town may direct the location or relocation of any fixture or thing (system, transmission line, etc.) in the road right-of-way. All expenses associated with the construction, relocation or removal of any fixture or thing maintained in a road right-of-way shall be borne by the owner of the thing.

**land acquisition for roads purposes**

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

**development applications & road widening**

6. Road widening, as a condition to the approval of new development, may be required in accordance with the Site Plan Control and consent policies of this Plan.
7. New development will be prohibited on private roads, except within approved Plans of Condominium or on existing lots fronting onto an existing private road. The Town must be satisfied as to the adequacy of the private road to accommodate anticipated traffic.
8. The Town may assume private roads serving residences provided that: (OPA No. 26)
  - i) the road allowance is shown on a plan of subdivision and that the plan of subdivision and the road were in existence as of January 1, 1979; and,

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- ii) the roads are brought up to the standards of the Town before their assumption by the Town.
9. Land will be conveyed at no expense to the Town for municipal road widenings as a condition of severances, plans of subdivision, or as a consequence of new development, changes in use that generate significant traffic volumes, additions that substantially increase the size or usability of buildings or structures, where the subject lands front on municipal roads. For lands fronting on County or Provincial roads, development proponents are encouraged to consult with the appropriate County or Provincial road authority.
10. Unequal widening may be taken where topographic features, federal land ownership, historic buildings or other cultural heritage resources, significant environmental concerns or other unique conditions necessitate taking a greater widening or the total widening on one side of an existing municipal road right-of-way.
11. Right-of-way width requirements for a specific section of roadway may be reduced where special circumstances warrant and long-term requirements will not be affected.
- road patterns (OPA No. 26)
12. Cul-de-sacs are discouraged and will be prohibited in new plan of subdivision layouts where layouts that would provide through streets or crescents are practical.
13. Road patterns that wind will be discouraged in favour of roads with more direct routes. This promotes pedestrian traffic and may slightly reduce driving distances and the amount of braking and accelerating required within residential areas. Where road patterns do not provide direct pedestrian links, footpaths and lanes may be required to provide more direct pedestrian routes.
14. The former Village of Wyoming has historically developed on a grid system. It is believed this contributes to the character of the Village as a pleasant and open community and has promoted walking, cycling and community interaction. Street layouts that complement and continue the grid pattern will be required in the Village. "Privatized" cul-de-sacs will be discouraged. Long lengths of street without side streets are not pedestrian-friendly and will be discouraged. Multiple future access points will be provided to undeveloped lands not just to provide future access, but also to continue the grid pattern and allow for future diversity in driving, walking and cycling paths.
15. Landscaping and other techniques that minimize the visual and noise impacts from roadways on adjacent residential development or in the immediate vicinity of existing or proposed arterial roads.
16. New large scale development proposals that may generate significant traffic volumes may require a transportation study to assess the impacts on the road network and the local land uses.
17. Proposed development adjacent to and in the vicinity of a Provincial Highway within the Ontario Ministry of Transportation permit control area will be subject to review and

a permit by MTO. Early consultation with MTO is encouraged by development proponents.

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

**street lighting (OPA No. 50)**

15. Street lights shall be required in all new developments and, where deemed necessary, in locations where multiple lot are created through the consent process.
16. Street lights shall be installed at intersections within residential areas, at school crossings and other locations where pedestrians are expected to cross the road.
17. Criteria for New Street Light Installation The Town will consider installation of new street lights within the Town based on the following criteria:
  - a) Safety The main criteria for the installation of new street lights will be based on public safety. To determine if an area should have a street light, the Public Works Department will review various factors including, but not limited to: night time pedestrian activity; history of accidents; average vehicle counts and speed zones; municipal engineering standards; other road authorities involved and their criteria (if applicable); potential hazards; available electricity; existing poles; and potential light pollution and negative impacts, if any, upon existing residences.
  - b) Traffic Volume The traffic volume at intersections will be reviewed when considering the installation of a new street light. Increased traffic volumes may also justify the need for additional street lights.
  - c) Existing Residential Areas The Town recognizes that residents in existing residential areas may not support the installation of street lights. Street lights will only be installed in these areas if deemed necessary for the safety of drivers, cyclists and/or pedestrians and after consultation with neighbourhood residents. Any requested lighting must meet industry standards and Council may consider funding the project through local improvement charges.

**14.1.7 Gateway Roads**

1. Along roads that serve as gateways into and corridors through the settlement areas within the Town, exceptions to Sections 13.1.2 b), 13.1.3 b) and 13.1.3 e) may be considered for the sake of community character.
2. Walls or fences around subdivisions, side yards, rear yards and similar blank frontages facing arterial, collector and gateway roads detract from the appearance and character of the community and will be discouraged where not entirely necessary. Where required, development proponents shall provide trees adjacent to the development or other measures within road allowances to improve the general appearance and amenity of the overall community.



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## 14.2 Railway Facilities

The Canadian National Railway operates a main line which connects Sarnia and London, through Wyoming and carries significant rail traffic. The operation of a rail line creates conflicts, which take the form of noise, vibration and safety concerns, with certain land uses, primarily residential. Railways also have concerns relating to adjacent development that could hamper the operation of the rail line. The number of road crossings and pedestrian traffic created as a result of development are cause for concern. These situations should be addressed to minimize or mitigate the defined conflicts.

### Objectives

- a) To minimize the impact of nuisances, caused by rail traffic and rail lines, on adjacent development;
- b) To protect rail rights-of-way from incompatible development that may contribute to safety hazards;

### 14.2.1 Policies

- a) The Town will work with the Federal and Provincial Governments and railway company to reduce the number of at-grade rail/road intersections and will encourage new spurs in industrial areas.
- b) New residential development adjacent to rail lines, shall include a 30 metre setback from the border of the rail right-of-way. Included in this setback shall be an earth berm with a minimum height of 2.5 metres.
- c) All proposed development within 300 metres of a railway corridor may be required to undertake noise studies, to the satisfaction of the Town and the Ministry of the Environment in consultation with the appropriate railway and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. The impact of railway noise may be mitigated by setbacks, alternate ventilation, intervening structures such as berms or acoustical fences and construction methods.
- d) All proposed development within 75 metres of a railway right-of-way may be subject to vibration studies, completed to the satisfaction of the Town in consultation with the railway authority, and shall undertake appropriate mitigation measures. The effect of vibration may be mitigated by setbacks and construction methods.
- e) All proposed development adjacent to railways shall incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Town in consultation with the railway authority.
- f) Abandoned rail line corridors will be preserved for future transportation, utility or recreation purposes. Dissolving an existing right-of-way by conveying the land to abutting owners is discouraged.
- g) Sensitive land uses will be prohibited within 300 metres of a rail yard,
- h) The Town will work with Lambton County and adjoining municipalities to evaluate the potential for use of abandoned rail corridors as potential

recreational trails. The Town shall ensure that consultation with stakeholders, the broader community and applicable utility organizations shall be undertaken in assessing abandoned rail corridors.

#### **14.2.2 Context (OPA No. 26)**

1. The former Village of Wyoming owes its beginnings to the railway. Much of its present land mass and future development lands are located within 300m of the rail line. Each train that passes through the village can generally be heard throughout.
2. Physical noise attenuation measures that are impractical, unsightly or out of character with a small, mixed-use Town will be avoided where not entirely necessary to comply with noise mitigation standards or where alternative mitigation measures exist.

#### **14.3 Parking Facilities**

##### **minimum standards**

1. The Zoning By-law will establish minimum off-street parking standards for all appropriate land uses and forms of development.
2. These minimum parking standards will be related to the amount of traffic generated by individual uses.

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

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

##### **accessible to handicapped**

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

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

5. Off-street parking, loading and truck storage facilities will generally be provided on the same lot as the land use that the parking facilities serve. Off-street parking lots shall be satisfactorily screened and landscaped to minimize or mitigate any adverse effects on surrounding uses.

##### **cash in lieu**

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

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**municipal parking lots**

7. Parking facilities shall be designed in accordance with the following principles:
  - a) Parking lots shall not front on Broadway Street or serve to disrupt the building frontage in this area;
  - b) Parking lots shall contain areas designated for pedestrian movement and where required, shall provide walkways to Broadway Street.
  - c) Parking lots shall be satisfactorily screened and landscaped to minimize or mitigate any adverse effects on surrounding uses.

**14.4 Pedestrian and Bicycle Traffic (OPA No. 50)**

1. Facilities for the safe movement of pedestrians, including access and on-site movement, shall be provided in all new developments, including the redevelopment of land.
2. Except where deemed unnecessary by Council, pedestrian sidewalks and walkways/paths shall be provided within all new residential subdivisions or multi-lot developments in Plympton-Wyoming to interconnect parts of the subdivision/development and to minimize walking distances between dwellings and schools, parks, and local commercial uses. Sidewalks shall be separated from road pavement by boulevards in all new residential subdivisions, wherever feasible.
3. Where subdivisions' road networks are not directly connected and no provision is given for future connection, such as where through traffic is being discouraged on local roads, allowances for pedestrian and bicycle path connections shall be required. For parcels conveyed to the Town for such purpose, preference shall be for parcels of sufficient width to allow privacy to abutting lots by means of distance to the actual walkway rather than through fencing and the creation of narrow alleys. Widths of 9 metres or more are preferred, with 6 metres being an absolute minimum.
4. The Town may require development proponents to provide sidewalks in adjacent, existing development in addition to or in lieu of sidewalks in the development itself. This is in order to provide sidewalks in higher priority areas that lack them or need upgrading and/or to complete gaps in the sidewalk network that will provide the development connection with existing sidewalk network.
5. The Town may prepare and implement a master plan for the development of a bicycle route system addressing such matters as location, design, education, enforcement and encouragement. Parts of this system may be located within the public open space network so that the safety and enjoyment of its users will be enhanced. Parts of the system may also be aligned along existing roads where necessary to provide linkages to major activity centres, employment nodes and commercial areas. Consideration will be given to the potential for linking the Town's bicycle routes with those of neighbouring municipalities.
6. The provision of properly designed bicycle infrastructure may be required on planned collector and local streets serving the Town. The Town will implement its bicycle infrastructure through:

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- a) The construction of exclusive on-road bicycle lanes and widened curb lanes on collector lanes;
  - b) The expansion of off-road paths through open space areas and corridors;
  - c) The incorporation of appropriate signage, symbols or distinct surface treatments to demarcate bicycle infrastructure;
  - d) Provision of bicycle parking in public and private sector projects

#### **14.4.1 Pedestrian Traffic: Sidewalks**

1. Adequate provision shall be made for bicycle paths, sidewalks and walkways/paths to enhance the convenience and safety of pedestrians and cyclists.
2. Sidewalks shall be provided throughout the Wyoming Urban Settlement Area. Sidewalks shall be provided within the Serviced Hamlet Areas and Lakeshore Residential Areas.
3. Sidewalks shall be provided along both sides of Arterial Roads and along at least one side of Collector Roads and Local Roads.
4. Sidewalks shall be provided along any existing, or potential, through street and cul-de-sacs with more than twenty (20) houses.
5. Sidewalks shall be provided to communal areas, including but not limited to public parks, sports fields, schools and community mail boxes.

#### **14.4.2 Pedestrian Traffic: Multi-use Pathways**

1. Hard-surfaced walkways/paths may be used instead of sidewalks in certain parts of the Wyoming Urban Settlement Area, Serviced Hamlet Areas and Lakeshore Residential Areas where determined to be more appropriate by the Town. Such walkways/paths may also be required in other areas to link residential areas and to provide non-motorized access to public facilities and services.
2. During most times of the year, the bicycle is a viable alternative to other modes of transportation, is environmentally sound, and supports active, healthy lifestyles. Wherever feasible, the Town will promote and initiate improvements to enhance bicycling as a means of transportation.
3. Where possible and appropriate, the Town will pave road shoulders and install multi-use trails. This will promote active transportation such as bicycle and pedestrian networks. The Town will promote the use of appropriate signage, symbols or distinct surface treatments to distinguish the different networks.

#### **14.4.3 Bicycle Traffic**

1. The Town supports properly designed and maintained roads for bicycle travel according to the following criteria:
  - a) The provision of on-road bicycling routes will be required on strategically planned collector and local streets serving the main community as well as civic,

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service, recreational, institutional and cultural destinations within the town. Bicycle routes within parks and between residential areas and schools as well as parks and commercial facilities shall be provided, where feasible.

- b) Where appropriate, the Town of Plympton-Wyoming will provide accessible and sufficient bicycle parking areas at Town-owned and operated facilities in order to promote the use of the bicycle as an alternative to motor vehicles.
- c) Where bicycle lanes are incorporated into the paved roadway surface, the Town will ensure that grating and on-street facilities are designed and oriented in a manner that will not create a safety hazard.

#### **14.5 Trails**

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

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

#### **14.6 Gas Pipelines**

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

## **15. PUBLIC USES AND UTILITIES POLICIES**

### **15.1 General Policies**

1. Except as provided for in Section 14.2, the following public services and facilities are permitted in all land use categories, subject to the development policies of this Plan:
  - a) transportation, communication, and electric power transmission corridors, and associated facilities subject to applicable laws and regulations under Province of Ontario Statutes;
  - b) water supply, sewage treatment, storm drainage facilities, and utility services;
  - c) municipal government buildings and facilities;
  - d) the re-use of abandoned utility and/or transportation corridors for public purposes;
  - e) public open space; and,
  - f) natural gas pipelines and accessory works.

### **15.2 Restrictions on Public Uses**

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

1. In Residential Areas the public services and facilities listed in Section 14.1 will be designed and constructed so that they are compatible with the surrounding Residential Area.

#### **agricultural land**

2. a) Where public services and facilities are proposed on high capability agricultural land (Canada Land Inventory Class 1 to 3), the need must be documented, as must the reasons why lower capability or marginal land cannot be used.

#### **significant natural heritage features areas**

- b) Consents for new utility corridors should not fragment agricultural land parcels.
3. a) The public services and facilities listed in Section 14.1 will be prohibited in Significant Natural Areas unless they are authorized under an environmental assessment process, or subject to the Drainage Act.
- b) Where woodlot locations cannot be avoided, tree cover removed will be replaced with twice the area of tree cover that is removed at a location specified by affected landowner. The Town will work with the County and Conservation Authority to ensure an appropriate location is selected.
- c) The natural heritage and natural hazard policies of this Plan shall apply to the design, construction, site restoration and maintenance of public utilities.

### **15.3 Electric Power Facilities**

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

1. All existing electric power facilities and the development of any new electric power facilities that operate at 50 kilowatts and above, or facilities that transform from above

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

**renewable energy projects (OPA No. 26)**

2. Electric power generation facilities shall be encouraged to site in accordance with the policies of this Plan directly addressing specific types of electric power facilities, especially Section 15B.0 Alternative and Renewable Energy Systems. The Town shall set out criteria for the assessment of proposals for such facilities.

**other electric facilities**

3. Other electric power facilities including buildings, structures and uses not used directly for the generation and supply of power, will comply with the provisions of this Plan and the Zoning By-law.
4. The above policies do not preclude the Town's right to participate in discussions on the location criteria of new electric power facilities.

**secondary uses**

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

## 16.0 MUNICIPAL SERVICES, STORMWATER MANAGEMENT AND SENSITIVE LAND USES POLICIES

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

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

### 16.1 Sanitary Sewerage

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

~~This Plan recognizes that in the event an expansion is required to the sewage treatment facility shown on Part 11 to Schedule A, an Environmental Impact Statement will be completed to assess the extent and function of the adjoining woodlot and to ensure no negative impact on the woodlot or its ecological function.~~

#### **Policies**

2. All development in the Urban Settlement Areas, the Lakeshore and the Serviced Hamlets will be serviced by sewer facilities. When development is proposed in these areas and the necessary lines are not yet installed, the developer will be responsible for the provision of necessary extensions. The Town will pass a By-law pursuant to the Municipal Act defining areas where sewer system connections are mandatory.

#### **special industrial servicing**

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

#### **reallocation of capacity**

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

#### **phasing of development**

5. The Town will make no commitment or approve any development that would cause the capacity of a sewage treatment plant to be exceeded. In certain cases improvements to the sanitary sewer system and/or feasibility engineering studies at the expense of the proponent may be required before development may proceed. Such improvements may include but shall not be limited to the provision of a new pumping station and/or sewer line extensions. (OPA No. 26)



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**individual sanitary sewage treatment and disposal systems**

6. New development, located outside of Urban Settlement, Lakeshore and Serviced Hamlet Areas, requiring individual systems, will be permitted if the proposed site can accommodate an individual sanitary sewage treatment and disposal system based on the following criteria:
- a) The lot area will comply with the requirements of the Province or its designated agent and be large enough for the type of development proposed and the system(s) to be used;
  - b) A Certificate of Approval for an individual sanitary sewage treatment and disposal system is to be obtained; and
  - c) The proponent of a development or expansion of any use obtains a Certificate of Approval for the expansion or alteration of an existing sewage system. No redevelopment or expansion should create or aggravate a pollution problem.
  - d) The proposed system is consistent with the natural heritage policies and the Source Water Protection policies of this Plan.
7. Any development which is not serviced by full municipal services and is proposed on communal, partial municipal or individual on-site systems must be supported by studies which include, as a minimum, evaluations of soil percolation rates, impacts on ground water resources, ground water mounding and adjacent watercourses. Reserve areas for replacement septic systems will be required when the mode of sewage servicing is individual private sewage systems or communal systems. Where new multi-lot clusters are proposed, proponents will be required to submit soils and hydrological studies completed by qualified engineers or hydrogeologists with recognized experience in sewage and potable water system design.

## **16.2 Water Service**

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

### **Policies**

2. All development within the Urban Settlement Areas, the Lakeshore, and the Serviced Hamlet Areas will be serviced by municipal piped water facilities. When development is proposed in these areas and the necessary lines are not yet installed, the developer will be responsible for the provision of necessary extensions and/or enlargements. The Town may require the oversizing of watermains where future servicing extensions are anticipated. The Town will pass a By-law pursuant to the Municipal Act defining areas where water system connections are mandatory.

### **private water supply**

3. Development may be permitted on private water systems where piped water is not available or planned and an extension of services is not economically feasible, subject to compliance with Provincial Regulations regarding the adequacy of water quality and quantity.
4. The installation of communal water services not supplied by the Lambton Area water supply system is discouraged. Development requiring a communal water system not

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serviced by the Lambton Area water supply system will not be recommended for approval. (OPA No. 26)

**industrial process use**

5. The Town may serve industrial needs for process or cooling water from the municipal system, subject to capacity of the local or Lambton Area Water Supply System. Industrial uses may provide their own water supply system, subject to Town approval and subject to the approval of the Province. (OPA No. 26)

**high volume industrial users**

6. High volume industrial users using the municipal water supply system may be required to enter into an agreement with the Town whereby the industrial user will provide its own system and cease use of the municipal system in the event that the capacity taken by the industrial use is needed for other purposes, subject to sufficient notice as defined in the agreement. Depending upon the volume of groundwater or surface water required, a Permit To Take Water under the Water Resources Act may be required. Any and all studies will be at the proponent's expense. (OPA No. 26)

**new development**

7. New subdivisions shall be serviced with looped water lines. The provision of subdivision layouts that allow the looping of new waterlines and the elimination or reduction of dead-ends in existing waterlines shall be required wherever possible. (OPA No. 26)

### **16.3 Storm Water Management**

1. Planning for stormwater management shall:
  - a) Be integrated with planning for water and wastewater;
  - b) Address the changing climate;
  - c) Promote water conservation and efficiency;
  - d) Support the use of green infrastructure;
  - e) Promote a healthier natural environment including water quantity and quality;
  - f) Ensure financial viability of stormwater infrastructure.
2. The traditional approach to managing stormwater had been to remove runoff from parking lots, roads and lots as quickly as possible and channel it to nearby watercourses through a system of subsurface drains. This approach has a number of drawbacks including water pollution, excessive loading of sewage treatment plants where storm sewers connect with sanitary sewers, lowered water tables, erosion and increased dependence upon costly public drainage works infrastructure. (OPA No. 26)
3. The current direction in managing stormwater is to utilize the natural absorption and infiltration qualities of the ground to induce ground water recharge and to filter out various impurities. The principles of natural stormwater management fit into the larger concept of watershed and sub-watershed planning.

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4. Facilities and works for the control of stormwater quantity and/or quality will be required as deemed necessary by the Town. The Town will consider programs, regulations and new technology that enhance the natural ability of the environment to reduce the rate of stormwater runoff, and to improve the quality of stormwater conveyed to watercourses. (OPA No. 26)

### **Policies**

#### **retention and detention**

5. Development proponents will be encouraged to employ Best Management Practices as the preferred strategy for the management of stormwater. The following methods should be encouraged:
- a) The use of greenspace for detention/retention ponds;
  - b) The integration of detention/retention ponds into the municipal open space system;
  - c) The use of cisterns or drywells on site which capture water for non-potable uses (lawn watering, car washing);
  - d) The use of infiltration trenches;
  - e) Processes such as man-made wetlands and permeable surfaces to absorb and distribute stormwater and recharge groundwater;
  - f) The use of oil grit separators;
  - g) Best management practices for water conservation and efficiency; and
  - h) The use of Low Impact Development approaches.

#### **management principles**

6. In order to achieve no overall increase in the peak level and volume of stormwater runoff, all new development will be required to provide suitable site grading and outlet facilities for storm drainage. Development will be guided by the following principles:
- 7.
- a) the flow of water resulting from a stormwater facility(s) is not to create or contribute to an erosion problem and/or water quality impairment;
  - b) a stormwater facility is not to contribute to a drainage problem on other lands where such lands are intended to be developed, utilized for agricultural purposes or utilized for active recreational open space;
  - c) stormwater facility is to be designed in accordance with accepted engineering standards;
  - d) a stormwater facility is not to adversely affect the hydrology of environmentally sensitive areas;
  - e) the Town may consult the local Conservation Authority, and the Province when considering all multiple land severances and plans of subdivision; and
  - f) storm water management facilities require the issuance of a certificate of approval under the Ontario Water Resources Act.
  - g) Minimizing the impact of large impervious surfaces through pervious surface treatments, landscaping, and other on-site design and management practices.

**separation of stormwater from sanitary sewers**

8. The Town will encourage the separation of stormwater inflow and infiltration from municipal sanitary waste water flows. The Town will also initiate the disconnection of rooftop leaders from sanitary sewers and eliminate other factors that add stormwater to sewers.

**municipal and agricultural drains**

9. The principles of natural channel design will be utilized in the construction or rehabilitation of drains. This may include, where appropriate, the following:
- a) grassed slopes and other forms of plantings, or other suitable erosion control methods should be introduced and maintained on the banks of drains to add to the stability of the drainage channel;
  - b) tile outlets should be constructed to minimize erosion along watercourses;
  - c) tree planting or other buffer measures should be installed where appropriate to act as a windbreak, protect drain banks, and to restrict cultivation near drain banks;
  - d) ponding areas should be incorporated in drains to reduce the speed and volume of flow, to act as settling areas for water borne particulates, to enhance evaporation and to serve as water storage areas.
10. Where deemed necessary by the Town, applications for development or redevelopment must be supported by a stormwater management plan.

**limiting costs (OPA No. 26)**

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

**16.4 Land Use Compatibility**

1. The proposed use of all land in the Town must be compatible with adjacent land uses, having regard for the Province of Ontario Land Use and Compatibility Guidelines. Residential Areas and other sensitive uses, such as hospitals and nursing homes, will be protected from undesirable air quality, excessive noise and vibration, and excessive dust and odour through the policies of the Plan and the use of Site Plan Control. Developers may be required to carry out noise, dust, odour and/or vibration assessments and determine control measures that are satisfactory to the Town and the Province.
2. Where appropriate, consideration may be given by the Town, at the Town's sole discretion, to the use of the Class 4 area classification, as provided for in the

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applicable Provincial environmental noise guideline (currently MECP Environmental Noise Guideline NPC-300) for a residential site (or sites).

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

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

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

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

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

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

## **16.5 Decommissioning**

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

of any person; rendering any property or plant or animal life unfit for use by humans; loss of enjoyment of normal use of property; and interference with normal conduct of business.

**Abandoned petroleum wells**

2. As a condition of approving development (severances, plans of subdivision), the County and /or the Town will require that improperly abandoned (plugged) 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 siting buildings, unless it can be demonstrated that development can safely occur.

**Unused Water Wells**

3. An unused water well, if not properly plugged and sealed, can contaminate the aquifer and cause a safety hazard to humans, livestock and wildlife. While it is recognized that much of the legislation regarding groundwater contamination is Provincial, there are matters which can be considered by Council:

When processing development proposals such as severances, plan of subdivisions and rezonings, it should be required, as a condition of approval, that any unused water wells on the property be plugged, according to Provincial Regulations, by a licensed well contractor. This supports Section 15.5 of this Plan relating to decommissioning.

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

The Town should support programs developed to assist landowners with the plugging of unused water wells.

## **16.6 Waste Management Systems**

**definition**

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

**prohibition**

2. Landfill sites are prohibited.

**development on or in vicinity**

3. Schedule "A" identifies the location of all known active and former waste disposal sites (as of the date of approval of this Plan). Any new development, or change of use, on or within 500 metres of the perimeter of an active or closed waste disposal site (located in this Town or an adjoining municipality) will be subject to consultation with the Province before any Zoning By-law, Zoning By-law amendment, official plan amendment or other *Planning Act* approval is adopted or granted for such lands. A study may be required to be undertaken by a qualified professional that evaluates the presence and effect of environmental contaminants including but not necessarily

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limited to methane gas and leachate. The study will address the feasibility of mitigation measures if required. If it is found that a potential adverse effect or potential risk to health and safety does exist, development may be restricted and/or refused.

4. Where development or change of use is proposed on a waste site, no Zoning By-law, Zoning By-law amendment, official plan amendment or other Planning Act approval will be adopted or granted until approval from the Province is obtained in accordance with Section 46 of the Environmental Protection Act, if more than 25 years has lapsed since the land ceased to be so used for waste disposal purposes.
5. An abandoned landfill site is located on the south-west quarter of Lot 12 Concession 4. In addition, there are alleged to be closed and/or abandoned waste disposal sites on Lot 11 Concession 4 and on Lot 17 Concession 5. The owners of these lands should take whatever precautions are necessary with respect to the mitigation of methane gas or leachate from these sites.

### **16.7 Sewage Lagoons**

#### **buffer**

1. New residential developments and other sensitive land uses will not be permitted within 100 metres of any existing sewage lagoons or sewage treatment plants within the Town or an adjoining municipality, in order to provide an odour buffer. (OPA No. 26)

### **16.8 Public Utilities**

#### **underground lines required**

1. Underground utilities, including electric power lines and telephone lines, will be required in all new developments within Residential Areas and in other areas where feasible.
2. With the approval of the local utility authorities, both public and private, all overhead wiring will be encouraged to be re-installed underground.

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

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

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## 17 ALTERNATIVE AND RENEWABLE ENERGY SYSTEMS

### 17.1 WIND TURBINE POLICIES

The Town will seek to implement the policies of this Section through such public and municipal consultation processes.

#### 17.1.1 General

1. Wind Energy Conversion systems, commonly known as Wind Turbines, convert wind energy into electricity that can supply the electrical grid or be stored in batteries for use on site. Wind Turbines can range in size from small units with rotor diameters as small as 1m producing a few watts of electricity for use on site to units supplying all of a residence's or business's electricity needs or to commercial units with tower heights and rotor diameters in excess of 100m supplying electricity to hundreds of homes.
2. While wind energy presents opportunities to decrease reliance on fossil fuels and Provincial policy promotes alternative and renewable energy systems, there are also challenges to increase wind energy's reliability and cost-effectiveness. The Town will maintain a neutral position towards wind energy, permitting development but requiring local concerns to be addressed as required by the policies of this Plan.

#### **Land use compatibility**

3. Wind turbines present unique land use compatibility concerns. Due to their prominence, commercial wind turbines have the potential to significantly impact, even define, the character of a community. The Town will permit wind turbine development within the Town, but only in appropriate locations and situations. Wind turbine locations and site layouts must recognize the primary nature of existing land uses within the Town and must limit impacts to agricultural use, sensitive neighbouring uses, visual landscape, the natural environment and potential uses on neighbouring properties. All wind turbines shall only be permitted by a rezoning approved by Council.

#### **Potential local benefits**

4. The main benefits the Town anticipates in allowing commercial wind turbines in the Town are land rent to farmers from commercial wind turbine companies, off-set electricity costs for turbine owners, potential for community support from commercial turbine companies, business opportunities for locally formed co-ops, and tax base. Local land owners are encouraged to form co-operatives.

#### **Turbine operators – community responsibilities**

5. As a highly visible land use making use of local wind potential, the Town expects that wind developers will be good corporate citizens and create a net benefit in the community such that the presence of wind turbines will generally be viewed as an asset to the community.
6. The Town requires developers, during planning, construction and long-term maintenance, to use the highest level of cooperation, consideration and communication with the Town, host property owners and neighbours in general proximity to a wind project.



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7. In addition, developers will be required to undertake all infrastructure improvements that are necessitated in connection with a project, and shall be required to restore all infrastructure damaged during the construction period. (OPA No. 26)
  8. The Town shall seek community commitment agreements with proponents. The commitment shall be proportional to the number of turbines. The Town will designate and identify any funds received pursuant to the agreement as being for the benefit of one or more specific community projects, recreational programs and/or services. (OPA No. 26)

### **17.1.2 Implementation**

1. The Town will assess proposed Wind Energy projects using the policies of this Plan and Municipal By-law.
2. Turbine regulations shall be graduated according to turbine size, recognizing not all turbines have the same level of impacts. The regulations shall differentiate between turbines that produce electricity primarily for sale to the electrical grid versus for use on the site, recognizing that use generally determines size. The Town also recognizes the different nature of residential-scale, 'mini-turbines'.

#### **Permitted locations**

3. Turbines producing electricity for use on site will be permitted in agricultural areas, industrial area and settlement areas subject to the policies of this Plan subject to appropriate setbacks for noise control, potential tower collapse, and ice throw. Commercial wind turbines will only be permitted in rural portions of the Town at appropriate setbacks from sensitive uses and urban communities.
4. Wind turbines will not be permitted in the SCRCA shoreline management area. Wind turbines will not be permitted in significant natural areas without an Environmental Impact Study and zoning by-law amendment.

#### **Locations in urban areas**

5. Wind turbines below certain size limits will be permitted in urban and residential areas where appropriate setbacks for noise control, potential tower collapse, and ice throw can be met from property lines and neighbouring uses or, by minor variance, where a particular model is shown to operate at acceptable noise levels and no other concerns exist.
6. Mini-turbines generally have high rotor speeds and varying braking mechanisms that can result in significant noise levels, pitches and tones. Sufficient tower heights are needed to avoid ineffective and turbulent winds. They will generally be allowed in residential area only by minor variance where appropriate setbacks for noise control, potential tower collapse and ice throw can be met from neighbouring property lines and uses.

#### **Rezoning required – commercial turbines**

7. There are still possible unknowns or unforeseen issues associated with wind turbines. As a way of providing a closer level of scrutiny, proposed commercial wind turbine projects over a certain size limit in terms of number of turbines or 'name plate

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capacity' will be required to obtain site specific zoning amendments to an "Agricultural Zone Exception". Where there is an Environmental Assessment process, zoning amendments shall not be passed until the Town is satisfied it has progressed to a point that concerns relevant to rezoning have been satisfied. Holding provisions may also be utilized where outstanding issues are minor.

**Setbacks – amenity (e.g. noise)**

8. Setbacks from sensitive uses including residential, institutional, and active recreation uses shall be based primarily on distances that are necessary for noise produced by a turbine to dissipate to acceptable levels. It is believed that at the setbacks suitable for addressing noise, other issues associated with wind turbines will generally have been addressed.
9. Setbacks shall be included in the Zoning By-law that are believed will be appropriate in the majority of situations. Recognizing the variation in models and technology however, the responsibility shall lie with the turbine owner/operator prior to installation to ensure a turbine will not produce excessive noise emissions. Unless an Environmental Assessment addressing noise was completed prior to installation, it shall be the responsibility of the turbine operator to cease operation of a turbine deemed a noise nuisance until compliance with Ministry of the Environment guidelines is achieved. Noise assessments must take into consideration unique tones and patterns that may be heard against increases in background noise. Noise levels that exceed MOE noise guidelines even marginally will not be permitted. (OPA No. 26)
10. Setbacks are required from livestock facilities. Some effects of wind turbines are poorly studied because they do not seem to be issues at the types of setbacks typically required from dwellings. Impacts on human health at lesser distances also may impact livestock.

**Setbacks – structural integrity**

11. Setbacks from road allowances, lot lines, buildings on separate lots, and public utilities shall take into account potential tower collapse. Where consequences of or potential for tower collapse is less (e.g. an engineered tower and foundation) or where abutting landowners indicate consent to the Town, reduced setbacks may be considered but a turbine must generally be self-contained to a parcel, not overhanging a property line.

**Setbacks – reciprocity**

12. The setback requirements that wind turbines must meet from existing sensitive uses shall generally apply reciprocally when other uses wish to locate in proximity to existing wind turbines. Exceptions shall apply to livestock operations and expansions of urban areas, recognizing a priority of land uses.

**Meteorological towers**

13. Meteorological towers shall be placed in areas where a wind turbine could meet setback requirements or where tower collapse can occur within property lines.

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## 17.2 Individual Project Assessment

### development control

1. Wind turbines will be subject to a rezoning and site plan control. Smaller turbines and projects will be reviewed less rigorously. Where municipal concerns are addressed through an Environmental Assessment process, the site plan process and agreement may be simplified.
2. Unless the turbine operator is the land owner, the Town will enter into site plan agreements with and obtain any facilities, securities or obligations it may require from the wind turbine operator. The Town will not enter into any agreement with a turbine company without addressing the concerns of the land owner and having the land owner approve of the final agreement.

### Derelict towers

3. Site plan agreements shall include an environmental management plan including provisions in particular related to derelict towers, site decommissioning and rehabilitation and the Town may require securities from turbine operators for this purpose.

### Wind project assessment considerations

4. In assessing a wind turbine project as part of either a zoning amendment or a site plan agreement, turbine operators and the Town shall take into consideration:
  - a) Potential noise from turbines and also humming of any substations or power lines.
  - b) Impacts to agriculture including drainage, soil conservation and productivity, number of acres taken out of production, and field fragmentation.
  - c) Visual impact including lighting, colouring, blade glint, shadow flicker, overshadowing and impacts on natural landscapes and general visual amenity.
  - d) Location of utility lines and any associated utility buildings, substations, etc., and landscaping and screening of same.
  - e) Impacts to the natural environment including but not limited to migration routes, significant natural areas, new waterway crossings, geotechnical concerns.
  - f) Whether utilities should be buried or overhead, and impacts on watercourse crossings of utility lines and access roads.
  - g) Impacts to cultural and built heritage, archeological resources and recreational areas.
  - h) Impacts to local infrastructure through delivery, construction and operation of the project.
  - i) Site safety including falling ice, tower collapse, fencing, guy wires markings and climbing prevention.
  - j) Aircraft safety and impacts to private air strips.
  - k) Potential electromagnetic interference to communications infrastructure.

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- l) The potential effects of electric fields and/or “dirty hydro” from turbines and transmission/distribution lines on persons with nervous disorders or varying levels of electromagnetic sensitivity. (OPA No. 26)
  - m) The potential effects of infrasound on persons living in proximity to wind turbines. (OPA No. 26)
  - n) Grid connections and construction methods that avoid adverse effects associated with stray voltage and dirty hydro. (OPA No. 26)
  - o) Other issues that may become apparent with maturation of the wind energy industry.
  - p) An emergency management plan.
5. Where the minimum setbacks in the Zoning By-law do not address all concerns, as identified in an Environmental Assessment for example, greater setbacks shall be incorporated into the site plan agreement.
6. In assessing requests for zoning amendments to establish commercial turbines, the Town may consider giving priority to projects with better wind resources and higher margins of project feasibility.

**Required submissions**

7. The Town may require a turbine operator seeking site plan approval or rezoning for a commercial project to determine or provide the following:
- a) Copies of any documentation or background studies associated with any Environmental Assessment or Environmental Screening process.
  - b) Such background reports as may be needed to determine potential impacts and possible mitigation measures associated with any of the concerns listed in Section 4, including but not limited to environmental evaluations, geotechnical studies, visual impact assessments, environmental impact studies, archeological assessments, environmental screening report, and noise studies.
  - c) Specifications of turbines (i.e. make, model, rated output, hub height, rotor diameter, foundation details, noise emission certification, etc.) and ancillary infrastructure.
  - d) Details regarding electric infrastructure including location of utility lines within property, extent of upgrades and/or confirmation of grid capacity.
  - e) Site layout including tower placement, pads for erecting tower, servicing, ground level lighting, fencing, landscaping, storage, access roads, easements, site grading and details regarding same.
  - f) Proposed duration of project.
  - g) The extent of lands where the developer has land options.
  - h) Locations, setbacks, use and heights of all structures, private airstrips and communication and other towers within 500m of the project site.
  - i) Location of natural heritage features including woodlots, surface water, wetlands, and migratory routes.

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- j) For turbines with a total height exceeding 45m, Transport Canada's requirements for lighting, colour and marking prior to turbine erection.
  - k) Conservation Authority approval of any culverts, structures, utilities, placing or removal of fill within areas designated as "Natural Heritage and Natural Hazards".

**Aesthetic Guidelines**

8. The following policies shall be used as general aesthetic guidelines for larger turbines subject to site plan control, and also to improve public familiarity with wind energy:
- a) Wind turbine proponents shall work to use colours, lighting and tower design that soften visual impact;
  - b) Where lighting or colouring that the Town considers unduly adverse to the visual amenity of the community, such as strobe lighting or orange striping, is required as aircraft safety markings, a tower shall be prohibited or limited in height such that the markings are not required; (OPA No. 26)
  - c) Open arrays are required rather than densely packed developments;
  - d) Wind turbines in a particular area shall all have similar rotor diameters, have similar blade, tower and nacelle shapes, have the same number of blades, rotate in the same direction and be either all up-wind or all-down-wind models;
  - e) Tower heights in an area shall be uniform unless staggered intentionally for aesthetic reasons;
  - f) Locations for public access and information signs, kiosks or visitor's centres should be provided and fencing and warning signs should be limited;
  - g) Advertising shall be prohibited on turbine towers excepting subtle manufacturer's logos;
  - h) Access roads should be kept as inconspicuous as possible and/or reduced in standard following construction;
  - i) Facilities on the ground should use motion sensor lighting;
  - j) On-site power lines should generally be buried;
  - k) Attention should be given to the building materials and design used for accessory buildings where they are not located off-site or inside turbines;
  - l) In order to have turbines spinning as often as possible, turbines with lower cut-in wind speeds are encouraged and site plan agreements shall contain provisions that encourage minimized down-time; and
  - m) Site plan agreements should provide for keeping turbines and surrounding grounds clean.

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**17.3 SOLAR FARMS** (OPA No. 26)

1. Ground mounted solar renewable energy generating facilities in excess of 100kW name plate capacity will not be permitted in the Town, which consists of Class 1 and 2 Agricultural Lands under the Canada Land Inventory.
2. Small scale solar panels that provide electricity for use on the same property will be considered accessory uses.
3. Roof mounted solar generating facilities of all sizes will be encouraged subject to confirmation that the supporting structure is capable of bearing the weight.

## PART 4 COMMUNITY DEVELOPMENT

|               |                           |
|---------------|---------------------------|
| SECTION 18.1  | Cultural Heritage         |
| SECTION 18.2  | Amenity & Design          |
| SECTION 18.3  | Urban Design              |
| SECTION 18.4  | Energy Conservation       |
| SECTION 18.5  | Community Improvement     |
| SECTION 18.6  | Signs                     |
| SECTION 18.7  | Property Maintenance      |
| SECTION 18.8  | Home Businesses           |
| SECTION 18.9  | Local Economic Incubation |
| SECTION 18.10 | Compatibility Criteria    |

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## PART 4: COMMUNITY DEVELOPMENT

### 18.1 CULTURAL HERITAGE

1. Cultural Heritage resources include buildings or structures, either individually or in groups, which are considered by Council to be of architectural and/or historical significance at the community, regional, provincial or national level. Archaeological and historic sites, including marine archaeological sites, may also constitute heritage resources.
2. Cultural Heritage resources provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the Town. These cultural heritage resources, both individually and collectively, contribute to the identity of the Town. They also assist in instilling civic pride, benefiting the local economy by attracting visitors, and favourably influencing the decisions of those contemplating new investment or residence in the Town.
3. Cultural Heritage resources may be threatened by neglect, obsolescence, redevelopment, and the lack of financial means necessary for protection or rehabilitation. The policies of this Plan, in conjunction with the provisions of the *Ontario Heritage Act*, provide the framework for the protection and enhancement of the Town's heritage resources.
4. The Town recognizes the importance of its cultural heritage resources. Cultural heritage resources include archaeological resources; buildings and structural remains of historical, architectural and contextual value; and rural, village and urban districts or cultural landscapes of historic interest.

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

5. The Town will seek to conserve cultural heritage landscapes and built heritage resources when making development and infrastructure decisions which may affect those resources. As well, the *Ontario Heritage Act* may be utilized to conserve significant cultural heritage resources through the designation of individual properties or areas, and the designation of a group or groups of properties as Heritage Conservation Districts.

#### **incorporation of heritage structures**

6. The Town will encourage proponents to incorporate heritage structures in new development or redevelopment. Where feasible, proponents will be encouraged to incorporate design elements in new development that link developments with existing heritage structures. Council may establish a Heritage Advisory Board to consult on issues related to cultural heritage resources and preservation.

#### **archaeological surveys**

7. The Town will require the completion of archaeological surveys for development and site alteration proposed in areas containing archaeological resources or where such resources are believed to exist and require the excavation of these sites and/or where applicable significant archaeological resources have been conserved. Areas of archaeological potential or known or suspected to contain an archaeological site,



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cemetery, or burial site will be subject to the completion of an archaeological assessment by a licensed consultant in accordance with Ministry standards and the terms and conditions of the license.

8. The Town will conserve significant archaeological resources through the zoning By-law provisions set out in the *Planning Act*.
9. The Town will not permit development and site alteration on adjacent lands to a protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
10. The Town may consider preparing archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
11. The Town will engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.
12. Where significant cultural heritage features, including historical and architectural resources of cultural heritage value or interest, are known to exist, the Town may consider designating these properties under Part IV or Part V of the Ontario Heritage Act and adopt policies related to their conservation.
13. The Town may develop financial incentive programs and other efforts that promote private investment in preserving physical cultural heritage resources (archaeological, built heritage, and cultural heritage landscapes) and in improving cultural nodes.
14. The Town will prepare and maintain comprehensive inventories of significant heritage resources, including significant built heritage and cultural heritage landscapes, as a basic tool for identifying and conserving these resources.
15. The Town may consider appointing a Municipal Heritage Committee as provided for in the Ontario Heritage Act, to assist with cultural heritage matters.
16. When a proposed development will impact a cultural heritage resource a heritage impact assessment will be required to guide mitigation of impacts to the resource. The County and the Town will ensure that cultural heritage resources are evaluated and conserved in public works projects, and where possible, restore, rehabilitate, improve, and maintain cultural heritage resources that they own.
17. In considering applications for waterfront development, cultural heritage resources both on shore and in the water shall not be adversely affected. Where partially or fully submerged marine features such as ships, boats, vessels, artefacts from contents of boats, old piers, docks, wharfs, fishing traps, dwellings, aircraft, and other items of cultural heritage value are identified and may be impacted by shoreline and waterfront developments, a marine archaeological assessment is required. Satisfactory measures to mitigate any negative impacts will be required.
18. In reviewing proposals for the construction, demolition, or removal of buildings and structures or the alteration of existing buildings, the Town shall be guided by the

following general principles where there is potential to impact any cultural heritage resources:

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

## 18.2 AMENITY AND DESIGN

### buffering and screening

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

### noxious uses

3. All land uses and transportation facilities that may be noxious due to noise, visual characteristics, vibration, dust or odours will be physically separated from Residential Areas wherever possible. The Town will be satisfied that prior to approving any development that may be incompatible with adjacent uses, appropriate steps have been or will be taken to reduce any land use conflicts to a tolerable level, or to eliminate them entirely.
4. Buffering and/or screening will be provided by the developer where a new Residential Area is developed adjacent to any other land use designation except for Major Open Space Areas and Natural Heritage Areas, or Natural Hazard Areas within the Regulated Areas on Appendix 4 of this Plan.
5. The provision of buffering and/or screening may include any combination of the following:
  - a) The separation of uses and/or buildings by means of greater-than-normal setbacks;
  - b) Restrictions on outside storage of goods, materials or equipment;
  - c) Restrictions on parking facilities;
  - d) Restrictions on loading facilities in Industrial or Commercial Areas;

- e) Restrictions on the location and type of outdoor lighting equipment, including the direction of illumination;
- f) The installation of fences, walls and earth berms to create a visual barrier; and
- g) Vegetative screens and other forms of landscaping.

**high density residential**

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

**noise guidelines**

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

**Class 4 Designations for new residential uses**

10. Notwithstanding Policy 16.2.3, and consistent with Policies 16.2.7 and 16.2.9, where adequate physical separation of Residential uses and areas is not possible, consideration may be given to approving a Class 4 designation for new residential land uses, as provided for in MECP Environmental Noise Guideline NPC-300. Further reference shall be made to Part 3 Section 15.4 of this Plan where additional policies are provided to guide relevant Class 4 designations.

## 18.3 URBAN DESIGN

### Introduction

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

#### high quality design

1. The Town will encourage the highest quality in design and amenity to be incorporated into the design plans in all land use designations:
  - a) Parking areas, loading areas and waste disposal storage areas should be screened from adjacent public roads by buildings and landscaping;
  - b) Landscaped strips should be installed around the entire periphery of the property, except for entrances, exits and interconnections with adjacent properties for pedestrians and vehicles;
  - c) Parking areas should be paved, curbed and landscaped to an acceptable standard;
  - d) The exterior facade of buildings exposed to abutting public roads should be designed to complement the existing streetscape;
  - e) Exterior signs should be uniform in appearance, in terms of location, size, shape, materials and colours to encourage design quality; and
  - f) Off-street interconnections for pedestrians and vehicles between existing and proposed development will be encouraged.

#### safety

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

#### barrier-free access

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

- b) Barrier-free features shall be integrated with the functional and design components of the site and/or buildings.

**streetscapes**

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

**building design**

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

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

#### site design

- 6.
  - a) Site design incorporates the built form of structures, landscaping, services and the layout of all amenities. Site design shall consider the relationships between the public realm, adjacent land uses, on-site operations and visual aesthetics, in order to promote an environment that is pleasant and attractive to the community.
  - b) Site design shall consider how to maximize the compatibility between adjacent land uses through appropriate site layout, building locations and landscape treatments.
  - c) The design of sites adjacent to parks, woodlots and watercourses shall be sensitive to these features. In these instances, appropriate setbacks shall be maintained between buildings and sensitive natural areas, while on-site landscaping shall be well integrated with natural areas.
  - d) Continuous, highly visible, well-articulated and landscaped connections between building(s) and the street should be provided to establish appropriate pedestrian linkages between the sidewalk and building entrances.
  - e) Along collector and arterial roads within the Settlement Areas, reverse frontage residential lots shall be minimized through techniques such as window streets and where reverse frontage lots are provided, shall incorporate a substantial landscape buffer to improve the visual amenity of such areas.

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- f) On large sites, pedestrian linkages between uses and adjacent sites should be provided.

**landscaping**

- 7.
  - a) Landscaping is a major contributor to a vibrant streetscape. A high quality of landscape design shall be required to enhance the visual aesthetics of development and to enhance the site and land use compatibility.
  - b) Landscaping within private lands shall be complementary to streetscape design and materials within the public realm.
  - c) Where appropriate, planted landscaping strips and fencing shall be used to buffer development from adjacent uses and mitigate on-site operational activities such as loading and waste storage facilities.
  - d) Landscape materials shall be selected for their aesthetic, ecological, disease-tolerance and maintenance characteristics.
  - e) Hard and soft landscaping shall be used for the spaces between the street line and buildings to enhance the streetscape, as well as provide a buffering function when on-site parking is placed close to the street or close to adjacent land uses and properties.
  - f) Vehicular entrances often present opportunities for landscaping that highlight entry points into the site. Therefore, appropriate landscaping shall be provided on either side of driveway entrances, particularly at the main entrances. The use of berms along public street frontages shall be avoided due to their tendency to isolate buildings from the street.
  - g) The presence of significant trees on a development site shall be determined through a tree survey and, where appropriate, preserved, maintained and integrated into the new landscape design of the site.

**parking**

- 8.
  - a) The location of parking is a major determinant for the layout of a development that is pedestrian friendly and accessible. Where appropriate, the Town should require the provision of surface parking areas in locations not visible from the public street, such as in rear yards and/or well-landscaped side yards.
  - b) Where surface parking areas are situated adjacent to a public street in the front yard, their layout should be subdivided into smaller areas to avoid large monotonous asphalt surfaces. In these cases, a certain percentage of the frontage should be reserved for landscaping between the buildings and the street line. The parking areas may be partially buffered and/or screened from the street using landscaping, tree planting, pedestrian facilities, lighting, fencing and/or other landscape elements in order to enhance the visual aesthetics of, and pedestrian activity within, such parking areas.
  - c) Clearly defined pedestrian accesses between parking and adjacent buildings and entrances should be provided with well-delineated walkways.
  - d) Surface parking lots shall be linked to the streets and other public areas with well-delineated walkways.

**access and circulation**

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

**commercial and employment areas**

10. a) It is the intent of this Plan to improve the vibrancy, aesthetics and connectivity of all commercial and employment areas in the Town. The approval of any development pursuant to the Planning Act shall address the following:
- i. Improvements to the aesthetics and function of the public realm (roads, parks, and sidewalks) will occur as a condition of development, or will be made possible as a result of the development, as appropriate;
  - ii. The siting, scale and massing of buildings contributes to a safe and attractive pedestrian environment and streetscape;
  - iii. Parking facilities are designed to not dominate the streetscape; and,
  - iv. Landscaping is used to buffer adjacent uses and improve the overall aesthetics of the development.
- b) All new development requiring approval under the Planning Act shall conform to the urban design policies of this Official Plan as appropriate.

**design for new neighbourhoods**

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



~~substantial landscape buffer to improve the visual amenity of such areas;~~

~~vii. Open space and parks shall integrate with adjacent development areas and provide a range of active and passive recreational opportunities;~~

~~viii. New buildings shall be designed and oriented to the street and to street corners to encourage a pedestrian-oriented streetscape;~~

~~ix. Where appropriate, employment lands shall be buffered from residential development by a variety of measures such as roads, landscaping, natural heritage areas, and parkland and community facilities;~~

## 18.4 ENERGY CONSERVATION

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

### subdivision design

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

Subdivisions with predominantly east/west road orientations are encouraged in order to allow solar heating through south-facing windows in winter. Such a layout also permits planting deciduous trees to the south of houses and evergreens to the north to provide shade in summer and a wind break in winter. (OPA No. 26)

3. Subdividers shall provide one tree in the boulevard per lot in a plan of subdivision or shall provide cash-in-lieu for the Town to do same. Boulevard plantings within new subdivisions and any other plantings along Municipal road allowances shall make use of large shade trees in accordance with Section 9.2.8.1 of this Plan. (OPA No. 26)

### renewable energy

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

## 18.5 COMMUNITY IMPROVEMENT POLICIES

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

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

**Objectives**

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

**general objectives**

4. For all areas, it is the intent of the Town:
- a) to contribute to an enhanced sense of community in the Town;
  - b) to upgrade and improve municipal infrastructure where it is deficient;
  - c) to enhance social and recreational facilities;
  - d) to aid in fulfilling the potential of commercial districts in the Town;
  - e) to enhance the economic potential of the Town in order to foster employment generating activity.
  - f) to designate sufficient lands for employment uses to provide opportunities and options for a variety of employment uses;
  - g) to protect and preserve employment areas for current and future uses;
  - h) to identify and promote opportunities for intensification and redevelopment within Brownfield sites; and,
  - i) to attract, retain, and facilitate cultural activity and to preserve physical culture and heritage assets.

**objectives for residential areas**

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

**objectives for commercial districts**

6. In Commercial Areas the Town intends:
- a) to enhance their role as community centres;
  - b) to encourage redevelopment, intensification and revitalization;
  - c) to upgrade and improve municipal infrastructure where deficient;
  - d) to enhance the commercial streetscape for improved aesthetics, commercial attractiveness, and to foster and improve pedestrian circulation systems;

- e) to foster links to areas of recreational and community activities;
- f) to foster better organization and availability of municipal or shared parking areas;
- g) to encourage appropriate forms of residential development; and,
- h) to eliminate land use conflicts.

**objectives for industrial and service commercial areas**

7. In Industrial and Mixed/Commercial Industrial and Highway 402 Service Centre Areas the Town intends:
  - a) to encourage appropriate development and redevelopment to facilitate economic activity;
  - b) to eliminate land use conflicts; and,
  - c) to upgrade access and servicing to industrial lands where deficient.
8. **Objectives for Brownfield Areas**
  - a) to promote the rehabilitation, revitalization and reuse of Brownfields through the promotion of grants or loans to owners of Brownfields in order to assist in the cost of clean up and redevelopment.
  - b) to participate in partnerships with Business Improvement Areas, Community Development Corporations, Economic Development agencies, or other community groups to support the revitalization or redevelopment of Brownfields.

### **18.5.1 Community Improvement Criteria**

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

**general criteria**

2. The following are considered to be candidates for community improvement projects:
  - a) areas where land use conflicts exist;
  - b) areas which require upgrading or replacement of road surfaces, sewer or water systems, storm water management systems, street lighting or sidewalks;
  - c) areas where social or recreational facilities are deficient; and,
  - d) areas where environmental or natural heritage preservation and conservation are deficient.

**criteria for residential project areas**

3. In addition to the General Criteria the following criteria should be utilized to define a Residential Project Area:
  - a) areas of older housing stock in need of renovation or redevelopment;
  - b) areas where special housing needs can be provided or accommodated; and,

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

**criteria for commercial districts**

4. In addition to the General Criteria the following criteria should be utilized to define a Commercial Project Area:
  - a) areas where an active Business Improvement Association is operating;
  - b) areas where streetscape improvements are needed;
  - c) areas where the provision or improvement of links, particularly pedestrian linkages, to areas of recreational and community activities; is feasible;
  - d) areas of under-utilized commercial buildings;
  - e) areas where specific works are required to facilitate desired redevelopment; and,
  - f) areas where land use conflict exist.

**criteria for industrial areas**

5. In addition to the General Criteria the following criteria should be utilized to define an Industrial Project Area:
  - a) areas where land use conflicts exist;
  - b) areas where property access is poor;
  - c) areas where storm water management system is deficient; and,
  - d) areas where access, or sewer and/or water system improvements are needed.

### **18.5.2 Potential Public Land Acquisition**

1. The following lands may be acquired by the Town for community improvement purposes:
  - a) lands for neighbourhood, community parks, or environmental protection areas;
  - b) lands needed for purposes of facilitating commercial land assembly, or to provide links and connections to public open space; and,
  - c) residential lots in an industrial designation to facilitate industrial land assembly.
2. Actual acquisition will depend on financial resources, and whether circumstances warrant acquisition when it is specifically considered. This policy does not represent a commitment to acquire the lands so mentioned, nor does it limit the ability of the Town to acquire lands in other locations for community improvement or other purposes.

### **18.5.3 Implementation**

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

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**designation of community improvement project area**

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

**joint studies and development**

6. Pursuant to the *Planning Act*, the Town may enter into agreements with any governmental authority or agency, or with one or more other municipalities for the carrying out of studies and the preparation and implementation of plans and programmes for the development or improvement of the Town. Any agreement other than an agreement with one or more municipalities will be approved by the Minister of Municipal Affairs.

**Property Standards By-law**

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

**demolition control areas**

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

**cultural and natural heritage**

10. In addition to the other measures described in this Plan, the Town may make use of programs under the Ontario Heritage Act to support the preservation of historic buildings.
11. In addition to the other measures described in this Plan, the Town may make use of and work with the various programs from senior government to support the preservation and conservation of natural heritage. Programs administered by the Provincial or Federal government will be considered.

**community benefits charge**

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

**co-operation with community groups**

13. Local service clubs and organizations can be of great assistance in providing or assisting to provide needed or desired community facilities. Council will actively co-operate with groups seeking to provide such facilities, and will ensure that appropriate recognition is provided.
14. Examples of such facilities that have been provided by such groups in the Town and elsewhere includes neighbourhood and community parks, street furniture in commercial areas, library quarters, fire halls, and monuments.
15. Of equal importance are efforts made to organize special events, fall fairs, festivals and promotions.

**use of public funding programmes**

16. The Town may make use of Federal and Provincial cost-sharing, funding or incentive programmes in order to achieve desired community improvements.
17. The Town may facilitate the creation of local business associations. The Town will seek support from the County in the designation of Business and Community Improvement Areas and in the formulation and implementation of Community Improvement Plans.
18. The CIP must be led by local stakeholders and have the formal commitment of the Town's Council and all major stakeholders such as the local service clubs. Representation from local service clubs, a senior municipal staff person, and all other stakeholders is required in all consultations and committees. A municipal staff person

may serve as CIP coordinator. Organizers must assemble all relevant policies and regulations affecting the commercial area. No further steps of CIP development shall commence until all components of the organizational structure are established.

19. The CIP must conduct an initial community assessment of strengths, weaknesses, opportunities, and threats and continually re-assess by survey. The CIP must develop a brand by identifying what makes the CIA or broader community unique or how it can differentiate itself from other communities or regions. The brand must work with the regional identity.
20. The CIP must define its end goal. To be a destination community, the CIP must have capacity to provide primary activities in the CIA or broader community in proportion to how far visitors are expected to travel. Primary activities must be things visitors cannot get closer to home. Alternatively, a community may plan to be a support community, capturing traffic en route to another destination.
21. The CIP must develop one- and five-year action plans towards its goal, identifying problems and opportunities to be tackled one at a time, in order. Action plans must be reviewed and updated regularly.
22. The CIP must develop marketing plans and/or community design standards for improvements within the CIA. These must implement the branding and action plans and support common themes, key messages, and even colour schemes. Design themes could be marketing or physical improvement oriented.
23. Municipal investments in the CIA must conform to the brand, action plans, and community design standards established by the CIP and may include one or more of: a) capital expenditures to core visitor attractions within the CIA and broader community; b) incentive programs/grants for storefront signage, community gateway signage, interpretive plaques, kiosks, façade improvements, awnings, street furniture, decorations, lighting, seasonal decorations, and anything else consistent with branding and action plans; and c) advertising, promotional materials/ packages, and mapping of businesses, core attractions, and non-gated public attractions.
- ~~24. Site plan approvals shall require that new development be consistent with the CIP's branding, action plan, and community design standards.~~

#### **18.5.4 Designated Community Improvement Project Areas (OPA No. 47)**

1. Pursuant to the Community Improvement Policies of this Plan, Downtown Wyoming is designated as a Community Improvement Project Area as shown on Schedule 'D' to this Plan.

#### **18.6 SIGNS**

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

New signage shall conform to the urban design policies regarding its appearance and location in Part 4, Section 18.3 of this Plan.

### **18.7 PROPERTY MAINTENANCE/TIDY YARD**

1. It will be the policy of the Town to keep in a fit and well maintained condition all municipally owned structures and properties.
2. In addition, in order to protect the health, safety and welfare of the general population, and to enhance the community's physical character, the Town may pursuant to the Planning Act, pass a By-law to:
  - a) prescribe standards for the maintenance and occupancy of property within the Town or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;
  - b) require property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition; and,
  - c) prohibit the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a By-law passed under the authority of this section.

### **18.8 HOME BUSINESSES**

1. Home businesses have and will continue to emerge as alternate employment sources as a result of changing technological, demographic and economic conditions. They are recognized as a valuable component of the economy provided that environmental and natural resources, including agricultural lands, are not threatened. The residential and/or agricultural character and function of the lot and surrounding land use activities must not be impaired by activities related to any home business.
2. Home businesses will be encouraged in order to promote improved employment opportunities; reduced employer/employee costs related to transportation, office costs, clothing and child care expenses; more efficiencies of land, housing and transportation resources; incubators for small businesses which are significant creators of new jobs; enhancement of tourism; and improved access to services. (OPA No. 26)
3. Farm based home businesses tend to be more industrial in nature and are often related to farm operations. They are important sources of supplemental income for farmers.
4. The Town encourages home businesses in urban and rural areas. The Town will incorporate provisions into the comprehensive Zoning By-law to permit home businesses and will distinguish between rural and urban home businesses with respect to performance standards. Performance standards will address issues related to maximum allowable floor space, control of emissions including noise, outside storage, signage and parking. (OPA No. 26)



5. By their nature, home occupations of many types will spring up unannounced. The Town will not require business licenses as it is unrealistic to expect to be able to keep even a partial list. (OPA No. 26)
6. Home occupations will be responsible for ensuring they operate in a manner that does not change the residential or agricultural character of their properties or compromise the character or amenity of their neighbourhoods and shall be responsible for ensuring compliance with the Zoning By-law. (OPA No. 26)
7. Detached buildings in residential areas shall be kept to appropriate forms and sizes as a means of discouraging inappropriate home occupations. Forms and sizes that are more than required for typical residential needs or could support overly intensive uses will be limited. Appropriate size limits shall be set in the Zoning By-law. (OPA No. 26)
8. Home occupations that are appropriate and meet the intent of these policies should not generate complaints. Variances may be granted for home occupations that meet the intent of this Plan, but not the letter of the Zoning provisions. (OPA No. 26)
9. Temporary use by-laws may be permitted to allow a trial or incubation period provided it would not result in the erection of buildings that would be inappropriate on a residential lot in the long-term. Where a home occupation has grown to a size or nature requiring a location in a commercial or industrial area a temporary use by-laws may be used to provide a business a reasonable length of time to allow relocation. (OPA No. 26)
10. The intent of the policies of this Plan with respect to home and value added businesses shall be used as a guide where the Zoning By-law requires interpretation with respect to its home occupation provisions. (OPA No. 26)

### **18.9 LOCAL ECONOMIC INCUBATION (OPA No. 26)**

1. As a smaller, primarily rural community, the majority of local businesses are expected to be those created by local entrepreneurs as opposed to businesses locating from outside the area.
2. The Town will seek to foster local entrepreneurship and home occupations while protecting the character and amenity of residential and agricultural areas and avoiding land use conflicts.
3. When dealing with small and/or incubating businesses and entrepreneurs, the Town will be conscious of the prohibitive nature of certain development and site development costs. The Town will seek site development standards that address environmental, community character, engineering and other land use concerns while being conscious of costs to the property owner.

### **18.10 COMPATIBILITY CRITERIA (OPA No. 26)**

The terms “compatible” or “compatibility” have been used in association with new in relation to existing development. The following policies are provided in order to give general guidance on what constitutes a consideration in establishing compatibility,

while maintaining enough flexibility to accommodate efficient as well as good, and in some cases, innovative development.

**general**

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

**criteria**

2. In assessing the compatibility of a proposal with the area in which it is proposed, the following criteria should be reviewed to determine whether the proposal will:
  - a) Disrupt the established uses on adjacent sites or surrounding areas;
  - b) Create disruptive visual impressions which negatively affect the urban quality of the area, or,
  - c) Generate activity, noise or traffic levels which put undue pressure on the area and its infrastructure and other support facilities.

**physical character**

3. Development in Residential areas will respect the established physical character of those areas, although it should be noted that the term “respect” does not necessarily mean “be the same as”. When assessing development proposals, particular regard will be had for the following:
  - a) Size and configuration of lots;
  - b) Heights, massing, scale and dwelling type of nearby properties;
  - c) Predominant building types in the area;
  - d) Setbacks of buildings from streets and lot lines;
  - e) Any landscape or building features that contribute to a unique character in the area; and,
  - f) Impacts on designated heritage buildings, districts or other features which have been designated under the provisions of the Ontario Heritage Act.

**mitigation measures**

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

**location**

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

## PART 5 IMPLEMENTATION

|               |   |
|---------------|---|
| SECTION 19.1  | Official Plan Reviews & Amendments                        |
| SECTION 19.2  | Zoning By-laws  |
| SECTION 19.3  | Existing, Non-Complying & Non-Conforming Uses             |
| SECTION 19.4  | Site Plan Control   |
| SECTION 19.5  | Committee of Adjustment                                   |
| SECTION 19.6  | Land Division   |
| SECTION 19.7  | Special Studies   |
| SECTION 19.8  | Capital Works   |
| SECTION 19.9  | Financial Restrictions                                    |
| SECTION 19.10 | Interpretation  |
| SECTION 19.11 | Delegation of Authority                                   |
| SECTION 19.12 | Land Acquisition  |
| SECTION 19.13 | Interpretation of Maps, Schedules, Tables, and Appendices |
| SECTION 19.14 | Guidelines  |
| SECTION 20    | Community Planning Permit System                          |

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## PART 5: IMPLEMENTATION

### 19.1 OFFICIAL PLAN REVIEW

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

1. The five-year review shall consist of an assessment of:
  - a) County growth allocations and the degree to which such allocations are being achieved;
  - b) The effectiveness of the Plan in protecting water quality and natural heritage features within the Town;
  - c) The continuing relevance of the vision that forms the basis of all policies found in this Plan;
  - d) The degree to which the objectives of this Plan have been met;
  - e) The amount and location of lands available for urban development;
  - f) Whether the Town has realized a desirable balance of commercial and industrial assessment in relation to residential assessment;
  - g) The Town's role within the County and its relationship with other municipalities;
  - h) Development trends in the County and their effect on development in Plympton-Wyoming; and,
  - i) Matters which are necessary to address to ensure consistency with or conformity to County and Provincial Plans and policy documents.
  
2. Lambton County is responsible for determining settlement area boundaries and is the approval authority for boundary expansion. Settlement area expansion is not necessary to accommodate the future growth anticipated during the time horizon of this Official Plan. In the event that a settlement area expansion is contemplated, settlement boundary expansions shall only occur through co-ordinated Local and County amendments as part of a municipal comprehensive review that reflects the County market area, growth projections, allocations and intensification targets set by the County and where:
  - a) Sufficient opportunities for growth are not available through intensification, redevelopment and Greenfield development in designated settlement area lands to accommodate projected needs within the regional market area and within the Town;
  - b) The expansion makes available sufficient lands for a time horizon not exceeding 25 years based on the analysis outlined above;
  - c) Existing or planned infrastructure and public service facilities required to accommodate and safety;
  - d) In prime agricultural areas:

- i. The lands do not comprise specialty crop areas;
    - ii. There are no reasonable alternatives; and
    - iii. There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.
  - e) Impacts from the proposed expansion on adjacent agricultural operations close to the Settlement Area can be mitigated to the extent feasible including compliance with the Minimum Distance Separation formulate;
  - f) The loss of mineral aggregate extraction opportunities is minimized;
  - g) Potential negative environmental impacts are mitigated including addressing the source of drinking water as outlined in this Plan, the Source Water Protection Plan, and the Lambton County Official Plan;
  - h) In determining the most appropriate location for expansions, the policies of this Plan and the Lambton County Official Plan shall be applied;
  - i) The timing of the expansion and the phasing of the development within the proposed expansion area would not adversely affect the achievement of any intensification.
3. Lands located within the Reece's Corners Policy Area; Highway Service Centre Commercial; Industrial and Mixed Commercial/Industrial designations shall not be redesignated or rezoned to any other non-employment land use, except with the support of a Municipal Comprehensive Review prepared and supported by the Town and County. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:
- a) There is a need for the conversion;
  - b) The Town will meet the employment forecasts articulated in the County of Lambton Official Plan;
  - c) The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this Plan;
  - d) There is existing or planned infrastructure to accommodate the proposed use;
  - e) The lands are not required over the long term for employment purposes for which they are designated; and,
  - f) Cross-jurisdictional issues have been considered.

### 19.1.2 OFFICIAL PLAN AMENDMENTS

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

- a) the original intent and purpose of the Plan is not radically altered;
- b) the amendment is needed and can be justified in light of accepted planning principles; and,

- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken.

## 19.2 ZONING BY-LAWS

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

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

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

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

### 19.2.1 Holding Zones

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

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

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

### **19.2.2 Temporary Use By-laws**

The Council may, in a By-law passed pursuant to the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by the By-law. As these uses will be temporary, such uses do not have to be limited to uses that conform to the Official Plan. A By-law authorizing a temporary use will define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-law (ten years in the case of garden suites). These time periods may be extended (by By-law) for additional three year terms. The temporary use will not become a legal non-conforming use at the date of expiry of the By-law. The types of uses envisaged by Council as using a temporary use By-law include, but are not limited to parking lots, fairs, carnivals, ploughing matches, art-in-the-park sales, or temporary use of a mobile home as a dwelling unit.

### **19.2.3 Interim Control By-laws**

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

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

### **19.3.1 Existing Uses**

Uses that are in existence on the date of the adoption of this Plan by Council, may be recognized in the implementing Zoning By-law only on the same lot or parcel of land on which they were situated on the said date provided Council is convinced such uses do not impose adverse effects on neighbouring properties.

### **19.3.2 Non-Complying Uses**

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

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

### 19.3.3 Non-Conforming Uses

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

#### continuation of use

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

#### extensions or enlargements

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

#### conditions

4. In considering applications to permit an extension or enlargement of a non-conforming use, Council will have regard to the following matters:
  - a) the land use designations and policies of this Plan;
  - b) the feasibility of acquiring the property pursuant to the Planning Act;
  - c) the possibility of relocating the use;
  - d) the impact of the proposal on the immediate area;
  - e) the size of the enlarged operation related to the existing use;
  - f) the degree to which any objectionable features of the use may be increased by the proposal;
  - g) the possibilities of reducing the objectionable features through landscaping, buffering, etc.;
  - h) the adequacy and availability of municipal services;
  - i) the impact of the proposal on environmental functions, features and linkages;
  - j) the effect of existing environmental hazards;
  - k) the adequacy and availability of sanitary sewage, storm water and water services;
  - l) the extent to which the nature of the operation may change: and



- m) whether the extension would only alleviate hardship and allow the use to continue as before or whether the extension would potentially perpetuate its use indefinitely. (OPA No. 26)

**replacement or repair**

5. Non-conforming uses which have been destroyed or partially destroyed by an act of God such as fire, winds, and so on, may be replaced or repaired. However, prior to granting permission to repair or replace a non-conforming use in order to minimize the detrimental effects of the non-conforming use, the Town should be satisfied that:
- a) the size of the building or structure to be replaced is the same size as the building or structure destroyed;
  - b) if the siting of the non-conforming building or structure is in contravention to one or more provisions of the Zoning By-law, then it shall be a policy of this Plan to encourage the building or structure to be replaced in compliance with the provisions of the Zoning By-law to the extent possible, and in no case shall it further contravene the provisions of the said By-law;
  - c) where the non-conforming use is located in an area designated as a site plan control area pursuant to the Planning Act, the Site Plan Control policies of this Plan will apply;
  - d) the possibility of reducing any objectionable features through landscaping and buffering should be encouraged;
  - e) the use cannot be relocated;
  - f) it is not feasible to acquire the property pursuant to the Planning Act; and,
  - g) sanitary sewage, storm water and water services are adequate.

## **19.4 SITE PLAN CONTROL**

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

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

### **19.4.2 Approval Of Plans Or Drawings**

1. No person will undertake any development in an area designated as a Site Plan Control Area unless Council has approved one or both, as Council may determine, of the following:
- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under this Section.
  - b) drawings showing plan, elevation and cross-section views for each building to be erected, and displaying:
    - i) the massing and conceptual design of the proposed buildings;
    - ii) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and,

- iii) the provisions of interior walkways, stairs, elevators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

The Town will work with the County to develop Site Plan guidelines that can be used by development proponents when preparing their site plans, and by the Town when reviewing site plans.

**conditions to approval of plans**

2. As a condition to the approval of the plans and drawings referred to in Section 17.4.2, the Town may require the owner of the land to:
  - a) provide to the satisfaction of and at no expense to the Town any or all of the following:
    - i) widening of highways that abut on the land subject to the Planning Act; widening will be in accordance with the Transportation policies of this Plan;
    - ii) facilities to provide access and curbing and traffic direction signs, subject to the Public Transportation and Highway Improvement Act;
    - iii) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
    - iv) walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
    - v) facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon;
    - vi) walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
    - vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
    - viii) easements conveyed to the Town for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Town or local board thereof on the land; and,
    - ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
  - b) maintain to the satisfaction of the Town and at the sole risk and expense of the owner any or all of the facilities or works set out in Section 17.4.2 policy 2 a) ii) to ix), inclusive, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
  - c) enter into one or more agreements with the Town dealing with and ensuring the provision and maintenance of any or all of the facilities, works or matters set out in this subsection, or with the provision and approval of the plans and

drawings referred to in Section 19.4.2. Such agreements may be registered against the land to which they apply.

**provision of off-site amenities**

3. At entrance points and along main roads in the Town's settlement areas especially, the Town may require the provision of amenities on municipal lands or road allowances in proximity to the lands as a condition of site plan approval. Such amenities could include street furniture, sidewalks, street improvements, trees, landscaping and similar items. The primary purpose shall be to enhance the physical character and appearance of the community. The amenity of neighbouring uses shall also be a consideration. (OPA No. 26)

## **19.5 COMMITTEE OF ADJUSTMENT**

### **19.5.1 Powers of Committee**

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

- a) authorize a minor variance from the provisions of the Zoning By-law or an Interim Control By-law in respect of land, buildings or structures on the land or the use of the land;
- b) permit the enlargement or extension of a non-conforming building or structure and/or a change in use of land, building or structure from one non-conforming use to another;
- c) permit the use of land, buildings or structures for any purpose that in the opinion of the committee conforms with the uses permitted and defined in general terms in the By-law; and,
- d) authorize a minor variance from the provisions of any By-law that implements this Plan in respect of land, buildings or structures on the land or the use of land, provided that the committee has been empowered to do so by municipal By-law.

It should be noted that the Committee of Adjustment has no power to permit the enlargement or extension of lands that are used for a non-conforming purpose, nor does it have the power to permit the erection of a new building or structure. The authority to authorize the extension or enlargement of lands that are used for a non-conforming purpose rests with Council, pursuant to the Planning Act. In this regard the relevant policies of this Plan regarding Non-Conforming Uses shall apply.

### **19.5.2 Guidelines for Committee of Adjustment Approvals**

**minor variance**

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

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

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

**permission regarding non-conforming use**

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

- e) has the non-conforming use continued from the date of passing of the Zoning By-law to the date of application to the Committee;
- f) was the non-conforming use legally established under the laws in force at that time;
- g) would any enlarged buildings or structures be used for the same purpose as the original buildings or structures were used on the day the By-law was passed;
- h) would any change of use be similar to the previous use or be more compatible with the uses permitted by the By-law;
- i) would the intent and purpose of this Plan be affected in any way;
- j) what impact would the proposal have on the neighbourhood;
- k) how does the size of the enlarged use compare with the existing use;
- l) to what degree would any objectionable feature of the use be increased by the proposal;
- m) is there a possibility of reducing the objectionable features through landscaping or buffering;
- n) are the required municipal services available and adequate;
- o) the adequacy and availability of sanitary sewage, storm water and water services;
- p) the extent to which the nature of the operation may change: and,
- q) whether the extension would only alleviate hardship and allow the use to continue as before or whether the extension would potentially perpetuate its use indefinitely.

**permission regarding use**

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

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

## **19.6 LAND DIVISION**

1. The creation of new lots will only be permitted when they conform to the policies of this Plan and the regulations of the Zoning By-law.
2. In addition to those criteria contained in Section 51 (24) of the Planning Act, the following policies will apply to all new lots:

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

**multiple consents**

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

**authority**

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

**services**

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

**designations**

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

**severance agreement**

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

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

**timing**

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

**appropriateness of development**

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

**access**

Development through plan of subdivision must not have the effect of land locking any undeveloped lands adjacent to the site.

Where necessary, the development pattern of the subdivision will make provision for access to adjacent undeveloped land.

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

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

**servicing**

Proposed plans of subdivision must be provided with adequate services.

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

**character of a site**

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

The creation of lots that would, once developed, have lot grading or drainage patterns negatively affecting abutting lands shall not be permitted. New lots may be conditional upon an adequate grading and drainage plan being approved by the Town. (OPA No. 26)

**design**

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

The physical patterns of the plan of subdivision should be generally compatible with the design of existing development on adjacent lands. New development should be orderly and contiguous to existing development and the design should facilitate future extensions to the urban area. In general, road patterns should provide for public safety and emergency access.

**Plans of Condominium**

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

**19.6.1 SUBMISSION REQUIREMENTS (OPA No. 26)**

1. The Town shall require that adequate pre-consultation with the Town occurs prior to the submission of an application for development and shall encourage pre-consultation with other affected agencies such as the Lambton County and the St. Clair Region Conservation Authority, where appropriate. The Town may require the provision of additional supporting information or material required to allow full consideration of the application. The scope of the information or material required for each application shall be determined by the Town and the County as part of the pre-consultation process.

Where an application is submitted under the Planning Act for an amendment to this Plan or the Zoning By-law, for a minor variance or permission, or for a consent or plan of subdivision or condominium approval, or any other approval required, the following information or materials shall be required as deemed necessary by the Town:

**natural heritage**

- a) An environmental impact statement where development would encroach on or potentially disrupt natural areas (Section 9.1 & 9.2).
- b) Forest management or tree preservation plans where site development or lot creation is permitted within forested areas (Section 9.2.11).

**land use compatibility**

- c) Noise and/or vibration studies where development is proposed in proximity to rail lines, high traffic roads or other major points of noise emissions (Sections 13.2.1 & 16.2).
- d) Noise, odour, dust and/or vibration assessments where development with potentially significant emissions are proposed in proximity to residential or other sensitive uses (Section 15.4 & 16.2.7).
- e) Environmental screening reports for other generic evaluations for developments subject to an environmental evaluation under the Environmental Protection Act or other legislation.

**economic**

- f) A business plan and/or marketing study showing the viability of a proposed new land use or business, e.g., a residential needs justification study.
- g) An economic impact study of the effects of a new business or loss of a business or industry on the local economy, labour force and/or housing market.
- h) Employment lands needs study where lands are proposed to be removed from a commercial or industrial designation.
- i) Conceptual development and servicing plans and an economic viability assessment where proposed development would leave remnant parcels with marginal economic incentives for development. (new growth policies).
- j) Studies on the impacts to key local commercial and retail areas where new or expanded commercial areas or uses are proposed.

**natural or man-made hazards**

- k) Flood line mapping, where development is located within areas where no engineered flood line exists (Section 9.3.2).
- l) Slope stability, geotechnical and/or erosion rate studies where development is proposed near the top-of-bank of a major watercourse or significant slope (Section 9.3.3 & 9.4.3.2.4).
- m) An environmental assessment where development is proposed within 500m of a closed or active land fill site (Section 15.6.3 & 15.6.4) or a change to a "more sensitive" land use on a property known or suspected to have had past uses that may have left contaminants.

**resources**

- n) Operation and rehabilitation plans where a new extractive use is proposed (Section 10.0.4 and 10.0.5).
- o) An aggregate impact assessment, where a proposed land use may limit access to aggregate deposits, to determine the viability of aggregate extraction (Section 10.0.2).
- p) An agricultural impact study quantifying impacts to local agricultural operations and loss of agricultural resources and revenues to the local economy.



**engineering**

- q) Sewer capacity studies, where new designations or proposed increases in density are proposed.
- r) A conceptual stormwater management report or explanation for why one is not required as part of a plan of subdivision or condominium application.
- s) Conceptual servicing plans in support of a draft plan of subdivision, condominium or site plan application.
- t) A lot grading plan where site grades may have an impact on site or plan layout or servicing.
- u) A stormwater management report or explanation for why one is not required as part of a site plan application.
- v) Servicing capacity studies for proposed land uses with high volume water use.
- w) Engineering studies to explore the potential to oversize services or facilities to accommodate future development on abutting lands and the consolidation of infrastructure.

**character & cultural heritage**

- x) A visual impact assessment where increases in height or density or very prominent land uses are proposed.
- y) Landscape or streetscape plans by or prepared in consultation with a professional landscape or urban designer for the submission of a site plan or plan of condominium (Section 16.3).
- z) A heritage impact study for new development in or in proximity to districts or properties designated under the *Ontario Heritage Act*.
- aa) An archaeological assessment where a proposed plan of subdivision is located in an area with known archaeological sites or potential for archaeological resources are per Ministry criteria (Section 16.1.7).

**traffic/parking**

- bb) A traffic impact study, in connection with site plan approval, lot creation or land use designation changes, where new road access points or increased traffic volumes may create visibility or traffic congestions concerns.
- cc) A parking study, where a proposed land use proposes to provide fewer parking spaces than required in the Zoning By-law or may significantly alter the existing supply and/or demand for private and/or public parking spaces.
- dd) Transportation feasibility study to determine if the standards of roads and/or necessary modes of transportation required for a proposed land use exist.

**miscellaneous**

- ee) Other information or materials as specified elsewhere in this Plan.
- ff) Such other information or materials as the Town or its delegates, at their discretion, reasonable feel is pertinent in assessing an application for an approval under the Planning Act.

2. Other types of development with specific submission requirements are not limited to but include, include:
  - a) High density residential (Section 4.1.1.22).
  - b) Development within Central Commercial Areas (Section 4.2.1.6).
  - c) Private sewage treatment systems (Section 15.1.7).
  - d) Wind turbines projects (Section 15B.1).
3.
  - a) A Planning Justification Report shall be required as part of the submission of a complete application. In addition, an Urban Design Analysis may be required.
  - b) The following text is added: All required reports and technical studies shall be carried out by Qualified Persons retained by and at the expense of the applicant. The Town may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the Town at the applicant's expense. In addition to Town requirements, the applicant shall ensure that all additional requirements as set out in the County of Lambton Official Plan are addressed.
4. Applications for Official Plan or Zoning By-law amendment and applications under Section 51 of the Planning Act, in particular, will be deemed to have been submitted only upon receipt of all required submissions. Staff shall inform an applicant when their application is deemed complete.
5. The Town may require that the information be prepared by a person or firm of its choice or be reviewed independently by a third party. Information, including any third party review, shall be provided at the expense of the proponent except where the Town specifically agrees to share costs.
6. The information and materials listed and the situations in which they are listed as required are not exhaustive. The Town may also determine that a particular study does not need to be submitted as part of an application on a case by case basis.

## **19.7 SPECIAL STUDIES**

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

## **19.8 CAPITAL WORKS**

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

## **19.9 FINANCIAL RESTRICTIONS**

The ability of the Town to finance public services is dependent upon property taxes and related to the type of development that occurs. Future development will be

regulated by this Plan to ensure that the level of expenditure and debt, as compared to revenue and equalized assessment is maintained at equitable levels. Council may:

- a) restrict development if the amount of such development causes an imbalance in the assessment ratio; or
- b) delay any proposed development where it becomes necessary to carry out large scale public works in order to adequately serve such development.
- c) in order to minimize the cost of service provided by all public agencies, development or redevelopment in the Town will be permitted only where it is economically feasible and desirable to provide, improve or maintain the necessary services; or,
- d) as a condition of approval of any development or redevelopment, the Town may require development levies pursuant to the Municipal Act to offset the cost of any public service.

## **19.10 INTERPRETATION**

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

### **land use boundaries**

It is intended that the boundaries of the land use designations be considered as approximate. Boundaries of land use designations coincide with distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses, or other clearly defined physical features. In all other instances, boundaries of land use designations shall be determined by review of: existing zoning by-laws; prevailing lot depths; orientation of lot frontages; lot patterns; and land use patterns. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads provided the general intent of the Plan is preserved.

### **numerical criteria and standards**

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

### **meaning**

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

### **permitted uses**

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

**reference to acts**

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

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

**public information**

A public participation program will be undertaken in conjunction with the preparation and review of any Official Plan, Community Improvement Plan or Zoning By-law. The purpose of each program will be to increase public knowledge of the planning process and to provide an opportunity for the public to respond to proposals at a public meeting held by Council or the Planning Committee of Council.

Where a planning proposal or amendment, plans of subdivision, consents requires changes to more than one document, Council or the Planning Committee of Council may hold a public meeting to consider the proposed changes jointly, and the public notification procedures for such a meeting will be in accordance with provisions set out in this section, and notification may be joint.

Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan and Zoning By-law where it is determined by the Clerk or Chief Planning Official that such changes relate to a consolidation of documents, including the following matters:

- a) Deleting obsolete provisions;
- b) Altering the section number and/or the order of any provisions;
- c) Altering language or punctuation to obtain a uniform mode of expression;
- d) Correcting clerical, grammatical or typographical errors that do not change the purpose or effect of any policies or regulations;
- e) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision; and,
- f) Change a format.

All changes will be adopted by Council.

**relationship between policies**

All policies of this Plan are intended to be read together to determine the conformity of any matter to this Plan. Individual policies are to be applied and interpreted within the context of the entire Plan.

**Development Approvals**

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

- a) investigating and implementing measures to eliminate duplications, consolidate responses, and reduce time delays;
- b) enforcing reasonable time deadlines;

- c) encouraging proponents of development proposals to consult with staff prior to the submission of applications; and
- d) monitoring approval processes and setting time-frame targets for processing applications.

#### **Economic Development**

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

The Town will support community economic development initiatives.

### **19.11 DELEGATION OF AUTHORITY**

The Town may delegate its authority for various approval or advisory functions in accordance with the provisions of enabling legislation including the *Planning Act*, the *Municipal Act*, and the *Ontario Heritage Act*. The Town Council will review all delegation of authority allowed under the *Planning Act*, the *Municipal Act*, and the *Ontario Heritage Act* to streamline approvals and remove red tape.

### **19.12 LAND ACQUISITION**

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

### **19.13 INTERPRETATION OF MAPS, SCHEDULES, TABLES, AND APPENDICES**

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

- a) A Schedule is part of the policy framework and forms part of this Plan. Settlement Area boundaries and Hamlet boundaries on a Schedule are fixed and definitive;
- b) For greater clarity, Schedule A consists of the Schedule and 11 inset maps referred to as Parts 1-11;
- c) For greater clarity, Schedule B consists of the Schedule and 1 inset map referred to as Part 1;
- d) For greater clarity, Schedule C consists of the Schedule and 11 inset maps referred to as Parts 1-11;
- e) A Table is a summary of policy requirements in a graphic form and is part of this Plan;
- f) A Map is a visual guide or aid provided to assist the reader in understanding the geographic location or context of a policy and does not form part of this Plan; and,
- g) An Appendix is intended to provide policy context to the reader and does not form part of this Plan.

## 19.14 GUIDELINES

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

1. Monitoring of the Official Plan implementation is an important approach to identify any issues or emerging opportunities with the Plan's implementation. Every year, a monitoring update report should be provided to Council that identifies:
  - a) Growth in Housing and Employment
  - b) Population Growth
  - c) Updates on any decisions of the Ontario Land Tribunal that impact the Official Plan

## 20 COMMUNITY PLANNING PERMIT SYSTEM

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

### 2 APPLICABILITY

The entire Town of Plympton-Wyoming is a Community Planning Permit System Area.

### 3 OBJECTIVES

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

- a) Preserving the Town character and small-town and rural community vision;
- b) Conservation of natural heritage and the Lake Huron shoreline;
- c) Ensuring that new development is implemented consistent with the Town character and small-town and rural vision;
- d) Ensuring high quality design of both private and public spaces in settlement areas;
- e) Protection and support for agricultural production;
- f) Streamlining the development approval process while providing certainty to built form and land uses;

- g) Ensuring a broad based community engagement program is completed in the creation of a Community Planning Permit System.

4 Areas for Community Planning Permit System By-law will be identified by Council.

## 5 BACKGROUND STUDY

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

## 6 ELEMENTS IN A BY-LAW

- a) Community planning permit by-laws shall set out permissible uses and development standards with specified minimum or maximum limits.
- b) The Community Planning Permit By-Law may permit a use as a discretionary use, or permit a use not specifically listed as a permitted use in the Community

Planning Permit By- Law, provided that the proposed use is similar to, and compatible with, the listed permitted uses; would have no negative impact on adjoining properties; and would maintain the intent, principles and policies of this Plan.

- c) The Community Planning Permit By-law may allow for defined variations to the standards and provisions outlined in the Community Planning Permit By-Law. Such variations will only be permitted if they are consistent with the policies of the Official Plan and the specific background study.
- d) Community planning permit by-laws may prohibit land uses.
- e) Community planning permit by-laws may exempt certain types of development from a permit.
- f) Community planning permit by-laws may include inclusionary zoning requirements.
- g) Community planning permit by-laws shall establish criteria to evaluate the use and development of land and may include one or more of the following, in addition to any other area specific criteria arising from the background study and community engagement:
- i. the built environment, such as, patterns of streets and blocks, the mix and location of land uses, the public realm, built form, and heritage resources;
  - ii. the human environment, such as, housing, community and recreation services and facilities, parks and open spaces;
  - iii. protection, restoration and enhancement of the natural environment;
  - iv. transportation and municipal infrastructure and servicing; and
  - v. the appropriate phasing of development.

- h) The Community Planning Permit By-law may provide that a community planning permit may be issued to permit, as a discretionary use, an extension to a legal non-conforming use or change in use of a legal non-conforming use, provided that the proposal is desirable in order to avoid hardship; that it would have no negative impact on adjoining properties; and that it would maintain the intent, objectives, principles and policies of this Plan and the objectives of the By-law.

## 7 COMPLETE APPLICATION

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

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

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

## 8 CONDITIONS OF APPROVAL

- a) requiring that the development does not occur until municipal services are available to the site;
- b) providing adequate on-site and off-site service or road infrastructure and works as necessary to service the proposed development;
- c) conveying part of the land to the Town to the satisfaction of, and at no expense to, the Town for a parkland, public roads or transit right-of-way or providing cash-in-lieu of same;
- d) maintaining the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- e) maintaining vegetation and landscaping;
- f) monitoring the impact of the development on the environment and adapting



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property management activities to mitigate any identified impacts;

- g) Implementing the recommendations of any technical reports submitted in support of the application;
- h) requiring that appropriate mitigation is undertaken prior to development occurring where site contamination or other environmental constraints are present and/or that satisfactory verification of suitable environmental site condition is received by the Town;
- i) requiring that any archaeological features are identified and appropriately protected prior to any site alteration or grading;
- j) Providing streetscape features within the municipal road allowance to implement streetscape guidelines established by Council.

## 9 DELEGATION

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

## 10 AGREEMENT

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

## 11 FINANCIAL SECURITIES

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