



OFFICIAL PLAN

Adopted by the Municipality of Dutton Dunwich
By-law #2021-14, February 10, 2021 (OPA #4)

Approved by the County of Elgin
DD-OPA21-01, July 6, 2021

Municipality of Dutton Dunwich
199 Currie Road
Dutton, ON N0L 1J0

Preface

The Official Plan of the Municipality of Dutton Dunwich was adopted by the Municipal Council on April 11th, 2001 and replaced the Official Plan of the Village of Dutton, and the Official Plan of the Township of Dunwich.

The Ministry of Municipal Affairs and Housing (MMAH) approved the Official Plan of the Municipality of Dutton Dunwich on November 29th, 2001. The Official Plan was subsequently appealed to the Ontario Municipal Board. The Ontario Municipal Board dismissed the appeal and a decision was issued on October 21st, 2002.

The Municipality undertook a Five Year Review between 2007 and 2013, which resulted in amendments that were adopted as Official Plan Amendment No. 1 by Council on January 25, 2012 and approved by the MMAH on May 16, 2013.

The current Official Plan (OPA #4) replaces the past versions.

Heather Bouw
CAO/Clerk

**TABLE OF AMENDMENTS TO THE
MUNICIPALITY OF DUTTON DUNWICH OFFICIAL PLAN
INCLUDED IN THIS CONSOLIDATION**

OPA #	Applicant	Text Change	Page #	Map Change	Page #	Date Passed by Council	Date Approved

Note: Blank rows in this chart indicate that the amendment is not yet in force; its status can be determined by contacting the Municipal Office at 519-762-2204. This table represents an ongoing consolidation of all amendments to the Official Plan of the Municipality of Dutton Dunwich, as found herein. It should not be construed as part of the Official Plan document and is solely to be used for assistance with this document.

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1-1
1.1	BACKGROUND.....	1-1
1.2	PURPOSE OF THE PLAN	1-2
1.3	LAND USE PLANNING PRINCIPLES.....	1-3
2.0	GENERAL DEVELOPMENT POLICIES	2-1
2.1	INTENSIFICATION AND REDEVELOPMENT	2-1
2.2	SITE SUITABILITY	2-3
2.3	BARRIER FREE DESIGN	2-4
2.4	BUFFERS AND LAND USE COMPATIBILITY	2-5
2.5	ENERGY CONSERVATION, AIR QUALITY AND CLIMATE CHANGE.....	2-5
2.6	VISUAL AMENITY	2-7
2.7	ACCESSORY USES	2-7
2.8	SECONDARY USES	2-7
2.9	MINIMUM DISTANCE SEPARATION AND NUTRIENT MANAGEMENT MINIMUM	2-7
2.10	AGRICULTURAL-RELATED USES	2-8
2.11	ON-FARM DIVERSIFIED USES	2-8
2.12	ADDITIONAL RESIDENTIAL UNITS.....	2-9
2.13	VACATION HOMES AND BED AND BREAKFAST ESTABLISHMENTS.....	2-10
2.14	INSTITUTIONAL.....	2-11
3.0	CULTURAL HERITAGE AND ARCHAEOLOGY	3-1
3.1	CULTURAL HERITAGE	3-1
3.2	ARCHEOLOGICAL RESOURCES.....	3-2
4.0	ENVIRONMENT.....	4-1
4.1	NATURAL HERITAGE AND NATURAL HAZARDS.....	4-1
4.2	HAZARDOUS LANDS	4-4
4.3	HUMAN-MADE HAZARDS.....	4-9
4.4	MINERAL AGGREGATE RESOURCES	4-10
4.5	SOURCE WATER PROTECTION.....	4-15
4.6	WATER RESOURCES.....	4-15
4.7	GROUND AND SURFACE WATER PROTECTION	4-15
4.8	MINERALS AND PETROLEUM RESOURCES	4-16
5.0	COMMUNITY IMPROVEMENT	5-1
5.1	BACKGROUND.....	5-1
5.2	GOALS	5-1
5.3	OBJECTIVES	5-1

5.4	POLICIES	5-2
6.0	INFRASTRUCTURE	6-1
6.1	PUBLIC WORKS, CAPITAL WORKS AND PUBLIC HEALTH.....	6-1
6.2	MUNICIPAL SERVICES AND UTILITIES.....	6-1
6.3	HIGHWAYS AND ROADS.....	6-2
6.4	RAILWAY CORRIDOR.....	6-4
6.5	TRAILS	6-4
6.6	ACTIVE TRANSPORTATION	6-4
6.7	LANDFILL SITES	6-5
6.8	RENEWABLE ENERGY SYSTEMS.....	6-6
7.0	LAND USE	7-1
7.1	AGRICULTURE	7-1
7.2	RESIDENTIAL	7-7
7.3	CENTRAL BUSINESS DISTRICT	7-13
7.4	HAMLETS.....	7-15
7.5	HIGHWAY COMMERCIAL	7-17
7.6	INDUSTRIAL	7-20
7.7	OPEN SPACE	7-22
7.8	PARKLAND	7-24
7.9	LAKESHORE RECREATION	7-25
7.10	SEASONAL RESIDENTIAL.....	7-30
7.11	CAMPING.....	7-31
7.12	ENVIRONMENTAL PROTECTION	7-32
7.13	FUTURE DEVELOPMENT	7-32
8.0	IMPLEMENTATION AND INTERPRETATION	8-1
8.1	GENERAL	8-1
8.2	LAND USE BOUNDARIES AND LOCATION OF PUBLIC HIGHWAYS AND ROADS	8-1
8.3	LAND DIVISION	8-1
8.4	COMMITTEE OF ADJUSTMENTS	8-8
8.5	ZONING BY-LAW.....	8-8
8.6	NON-CONFORMING USES.....	8-8
8.7	HOLDING ZONE	8-10
8.8	SITE PLAN CONTROL.....	8-10
8.9	PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS.....	8-11
8.10	REVIEW AND UPDATING OF MUNICIPAL BY-LAWS.....	8-11
8.11	PARKLAND DEDICATION	8-11

8.12 OFFICIAL PLAN AMENDMENTS, REVIEW, AND MONITORING8-12

8.13 SETTLEMENT AREA EXPANSIONS.....8-13

8.14 EMPLOYMENT AREA CONVERSIONS8-13

8.15 TEMPORARY USE BY-LAWS8-14

8.16 COMPLETE APPLICATION REQUIREMENTS8-16

8.17 SUPPORTING STUDIES8-16

8.18 PUBLIC NOTIFICATION PROCEDURES.....8-18

LIST OF SCHEDULES

SCHEDULE

- 'A' Land Use Plan
- 'B' Natural Heritage And Natural Hazards
- 'C' Natural Resources
- 'D' Land Use Plan – Dutton
- 'E' Land Use Plan – Duttona Beach

1.0 INTRODUCTION

1.1 BACKGROUND

- a) This Plan shall be known as the Official Plan for the Corporation of the Municipality of Dutton Dunwich. The following text and Schedules 'A', 'B', 'C', 'D' and 'E' inclusive, constitute this Plan.
- b) The policies and land use designations described in this Plan should not be considered static and may be altered by way of amendment as required. A review of all policies and land use designations shall be undertaken at least once every 5 years, pursuant to the provisions of Section 26(1) of the *Planning Act*, R.S.O. 1990, c. P.13.
- c) This plan is the successor to the Official Plan of the Municipality of Dutton Dunwich, adopted in 2012 and approved in 2013.
- d) The Provincial Policy Statement (PPS) came into effect on May 1, 2020 and replaces the previous PPS 2014. The Municipality's Official Plan and subsequent land use planning decisions "shall be consistent with" the PPS. This plan is the 5-year review based on the premise of ensuring policy consistency between the approved Municipality of Dutton Dunwich's Official Plan and the PPS 2020. Reference to the PPS will assist in the interpretation of this Plan.
- e) The County of Elgin Official Plan (COP) Consolidated Version dated February 2015 provides direction and a policy framework for managing growth and land use decisions over the planning period to 2031. The Official Plan is one of a series of policies, guidelines and regulations that direct the actions of the County and shapes growth and development in which this Plan conforms to.
- f) The Municipality of Dutton Dunwich was created on January 1, 1999 as a result of restructuring which joined the former Village of Dutton and the former Township of Dunwich. The Municipality is in the County of Elgin (County) and has a land area of 295 square kilometres (29,458 hectares). The community structure includes the settlement areas of Dutton, Duttona Beach, Iona, Iona Station and Wallacetown. Dutton Dunwich is known for its prime agricultural lands, seasonal waterfront living, small town quality of life, rich history and natural environment. Most of the Lake Erie shoreline is characterized as bluffs that extend 15 to 45 metres above the water level and the views are extraordinary. As a consequence, much of the shoreline area remains undeveloped. There are many rivers that flow into Lake Erie and create extensive valley systems that contain wildlife and

woodland resources. The Northern boundary of the Municipality is defined by the Thames River.

1.2 PURPOSE OF THE PLAN

The Official Plan of the Municipality of Dutton Dunwich establishes, in general terms, the desired type, pattern, and form of development, redevelopment and improvement within the Municipality for a period of 25 years or to the year 2031 in conformity with the planning horizon of the COP. It is designed to achieve the following purposes:

- a) To assist Council in determining its future actions and position in all matters relating to the development, redevelopment, and improvement of the Municipality;
- b) To provide the basis for legislation, policies, programs, and actions that will secure the health, safety, welfare, convenience and enjoyment of the existing and future residents of the Municipality;
- c) To ensure a logical, orderly, and compatible pattern of land use, land development and redevelopment, and to encourage growth in the community of Dutton where full municipal water and sewage servicing is available or can be affordably accessed;
- d) To recognize the limited financial status of the Municipality and to ensure a satisfactory ratio between residential assessment and employment assessment. Further, new development should not hinder the Municipality's financial status;
- e) To provide guidance for the preparation, administration, and amendment of the Municipality of Dutton Dunwich Zoning By-law;
- f) To assist all public bodies and agencies concerned with or having an interest in the Municipality in determining their future actions, needs, or requirements;
- g) To inform the general public and special interest groups of the nature and direction of future land use development, redevelopment and improvements in the Municipality;
- h) To inform private interests and enterprises of the nature and direction of future land use development, redevelopment and improvements in order that they might co-ordinate their activities and expansions accordingly.
- i) To recognize the Province's Drinking Water Source Protection Unit and Thames-Sydenham and Region Source Protection Plan as having responsibility to protect the municipal drinking water supply.
- j) To be consistent with the PPS, 2020.
- k) To work co-operatively with adjacent municipalities and the County in cross-boundary land

use and infrastructure matters.

- l) To enhance the quality of life of the residents through implementation of sustainable development principles of environmental health, social and cultural well-being, economic vitality and collaborative governance.
- m) To plan, design, develop and manage the community to contribute to climate stability and to be more resilient to the changes in the climate in order to be more liveable, prosperous and equitable.
- n) To promote intensification, redevelopment and the efficient use of land and resources in order to build a strong and complete community.
- o) To ensure that the Municipality's resources are rationally used and its natural features protected.

1.3 LAND USE PLANNING PRINCIPLES

- a) to protect prime agricultural areas for agricultural use, support community-based food programs and to increase equitable access to and affordability of healthy food options;
- b) to support and promote healthy, diverse and vibrant settlement areas, where all residents can live, work and enjoy a full range of lifestyle and recreational opportunities;
- c) to implement the County's growth management strategy to protect and enhance important agricultural and natural resources and direct future urban growth to the settlement areas;
- d) to promote opportunities for intensification and redevelopment within settlement areas which are compatible with the existing built form of the area, in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of land, resources and public investment in infrastructure and public service facilities;
- e) to maintain and enhance the area of Dutton as the focal point of the Municipality where a broad range of community and commercial facilities, services, housing and employment opportunities are available at higher densities in a mixed-use environment;
- f) to create complete communities within designated settlement areas through mixed land uses, compact neighbourhoods, efficient planning, active transportation and pedestrian oriented development;
- g) to provide a broad range of housing types, services and amenities, employment and to promote market-based housing, quality affordable housing and special needs housing within settlement areas;
- h) to enhance connectivity with efficient and safe transportation networks and provide land reserves or corridors for future linear transportation and utility facilities and services

- i) to use street design which prioritizes active transportation and makes active transportation networks safe and accessible;
- j) to design connected routes for active transportation and support multiple transportation modalities;
- k) consider the aesthetics of road, rail and waterway networks;
- l) to promote the creation of public spaces within all neighbourhoods and settlements that foster a sense of community pride, well-being, and create a sense of place for all ages and abilities;
- m) to require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities to accommodate growth, in a fiscally appropriate manner;
- n) to provide cost effective and environmentally sound municipal services, to support long-term economic prosperity;
- o) to ensure that at all times, the Municipality has a minimum 15 year supply of serviced residential, employment and commercial land, in intensification areas, and designated growth areas, and in the right locations, as required by the PPS;
- p) to continue work on long-term servicing strategies for sanitary sewage treatment, the provision of potable water and storm water management;
- q) to create and maintain an improved balance between residential and employment growth by increasing the opportunity for job creation, and maintaining and attracting industries and businesses;
- r) to maintain and attract manufacturing, agri-businesses and tourism-related businesses and activities that can provide employment opportunities to existing and future residents;
- s) to accommodate future job creation and employment opportunities in an environmentally sustainable and cost effective manner;
- t) to protect, preserve and connect natural heritage features and other natural resources that are provincially, regionally, and locally significant;
- u) to increase the amount of core natural area and natural buffers where possible, particularly through restoration efforts;
- v) to maximize opportunities for everyone to access natural environment and link wildlife habitat and natural heritage areas to each other, human settlements to other human settlements, and people to nature, consistent with federal, provincial, and regional requirements;
- w) to promote natural habitat restoration within and linkages between natural areas to support

the development of the natural heritage system;

- x) to prohibit development within, and/or direct development away from natural and human-made hazardous areas, in accordance with the policies of this Plan;
- y) to reduce urban air pollution by expanding natural elements and mitigate urban heat islands by expanding natural elements across landscapes;
- z) to ensure that petroleum, non-metallic mineral resources and aggregate resources are available for future use and that extractive operations are protected from activities that would hinder their expansion or continued use, provided all environmental laws and regulations are fully complied with;
- aa) to identify, protect and manage cultural heritage landscapes and built heritage resources in a manner that perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community; and
- bb) to ensure the protection of surface water and groundwater drinking water sources from both contamination and overuse .

2.0 GENERAL DEVELOPMENT POLICIES

2.1 INTENSIFICATION AND REDEVELOPMENT

The intensification of urban residential development reduces the need for settlement area expansions encroaching into the agricultural area. The Municipality encourages urban residential intensification, infilling and redevelopment within settlement areas to encourage more efficient use of land and allow for the efficient provision of urban services, thereby helping to minimize the costs of providing services while meeting an important component of the Municipality's housing needs.

Residential intensification will be guided by the following policies:

- a) The Municipality will support appropriate redevelopment, infilling and intensification development proposals, where the policies of this Plan are satisfactorily addressed. Housing will, in part, be provided through urban residential intensification, which may include any of the following:
 - i. small scale intensification through modifications to an existing dwelling to include an additional residential unit or construction of a new building containing one or two units;
 - ii. infill development and residential development of vacant land or underutilized land in existing developed areas;
 - iii. the redevelopment of brownfield sites, subject to appropriate site remediation, where required; and/or
 - iv. redevelopment which includes either the replacement or conversion of existing residential uses with compatible new residential developments at a higher density or the replacement of non-residential uses with compatible residential or mixed-use development with a residential component.
- b) In accordance with the COP, and the policies of this Plan, the Municipality will seek to achieve a minimum of 20 percent of all new residential development on an annual basis to occur by way of residential intensification, infilling and redevelopment within existing built-up areas of the Municipality's settlement areas. The Municipality will monitor intensification activity and, through the development approvals and building permitting process, ensure that such proposals can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained.

- c) Residential intensification will be primarily directed to the settlement areas serviced by municipal infrastructure and community services in order to increase their vitality, efficiently use land and optimize the use of infrastructure and public service facilities.
- d) Intensification and redevelopment within settlement areas is permitted to assist in meeting the intensification targets, provided it occurs on the full municipal sanitary and water services, and subject to the servicing policies of this Plan.
- e) The Municipality will consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:
 - i. the development proposal is within a settlement area, and is appropriately suited for intensification in the context of the surrounding neighbourhood;
 - ii. the existing or planned municipal water and sanitary sewer services can accommodate the additional development;
 - iii. the road network can accommodate the traffic generated;
 - iv. the proposed development is compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood; and
 - v. the proposed development is consistent with the policies of the appropriate land use designation associated with the land.
- f) Development of new residential dwellings within established residential areas shall be compatible with the surrounding residential neighbourhood. The Municipality will require proposals for residential intensification within existing neighbourhoods to demonstrate the following built form and urban design considerations:
 - i. respect and reinforce the existing physical character of the buildings, streetscapes and open space areas in the area and surrounding neighbourhood;
 - ii. compatibility with the surrounding development;
 - iii. provide heights, massing and scale appropriate to the site and compatible with adjacent lands;
 - iv. infill development that is at a higher density than that which currently exists in the neighbourhood should generally be directed to arterial and collector roads. However, this should be evaluated on a case by case basis based on its appropriateness in a lower-density neighbourhood. Building heights should be of a similar height and scale and provide an appropriate transition through the use of building setbacks, and landscaped buffers;
 - v. provide adequate privacy, sunlight and sky views for existing and new residents;
 - vi. locate parking areas in the interior or rear yards, screened from public view for

- multi-unit dwellings;
 - vii. encourage a variety of housing forms that accommodate a more compact and efficient development, including reduced minimum frontage requirements for lower density residential uses; and
 - viii. new development in older established areas of historic, architectural or landscape value should be developed in a manner consistent with the overall character of the established area. In areas where the heritage character has not been studied, the Municipality may require through the development approvals process, a neighbourhood character study and/or focused urban design guidelines that will assist in defining character and compatibility as well as the types of development that may be appropriate in these areas.
- g) For larger scale infill and intensification proposals which involve multiple residential dwellings or a complex of dwellings, the Municipality may require the submission of land use compatibility and urban design assessments as a component of the planning rationale report accompanying development applications, to demonstrate how the policies of this Plan are being achieved, pursuant to Section 8.16 of this Plan.
 - h) The Zoning By-law shall establish zone provisions related to residential intensification, infilling and redevelopment to ensure compatibility with the existing character of the surrounding residential neighbourhood.

2.2 SITE SUITABILITY

Prior to the approval of any development or amendments to this Plan and/or the Municipality's Zoning By-law, it shall be established to the satisfaction of Council that:

- a) Development shall be located in areas of the Municipality with existing, future or planned service capacity for electrical distribution, natural gas, sanitary, storm and municipal water.
- b) Development with access to sanitary sewer service shall be required to connect and demonstrate adequate unreserved capacity in the service area.
- c) Development in close proximity to sanitary sewer service shall be encouraged to connect, where feasible, and where unreserved capacity is available.
- d) Development shall demonstrate appropriate and safe access to the local and County road network capable of supporting the type and volume of vehicular traffic generated by the proposed development.
- e) Development shall provide on-site storm water quantity and quality management and demonstrate no negative impact to approved drainage outlet(s).

- f) Development shall be encouraged to incorporate best management practices and the utilization of low impact storm water management systems.
- g) Development with limited lot frontage shall be required to demonstrate to the satisfaction of the Municipality how the subject site can be accessed without impact to abutting land uses. Minimum lot frontage requirements are more specifically outlined in the implementing Zoning By-law.
- h) Development located to the rear of existing sensitive land uses shall be required to demonstrate a higher standard of separation and/or buffering through the site plan approval process.
- i) Development shall be designed and oriented so as to maximize buffering to adjacent sensitive lands uses and to minimize or mitigate adverse impacts.

2.3 BARRIER FREE DESIGN

- a) Barrier free design should be considered in any development or redevelopment of properties, whether in draft plans of subdivision, consent or in site plan applications. The Municipality recognizes the importance of providing accessibility for persons with disabilities and the elderly throughout the built landscape.
- b) The Municipality will have regard for the requirements of the *Accessibility for Ontarians with Disabilities Act* and:
 - i. On behalf of the Municipality, the County will prepare a Joint Multi-Year Accessibility Plan at least once every 5 years covering the identification, removal and prevention of barriers to persons with disabilities in by laws, policies, programs, practices and services. The County will also prepare an Annual Status Report on behalf of the Municipality;
 - ii. The Municipality will maintain a Joint Accessibility Advisory Committee, the majority of members being persons with disabilities, to address accessibility issues for the Municipality and seek the advice of the Joint Accessibility Advisory Committee on the accessibility of all existing and new municipal facilities, and if appropriate, on the accessibility of development proposed in Site Plan Approval applications; and
 - iii. The Municipality will encourage new residential development to incorporate universal design and accessibility features to support aging in place.

2.4 BUFFERS AND LAND USE COMPATIBILITY

- a) Where conflicting land uses abut or where there is a permitted use which may adversely affect adjacent uses, such uses and effects may be examined by the Municipality and appropriate buffering measures proposed to prevent or alleviate adverse effects. Very often distance separation is the most effective way of mitigating potentially adverse effects. In examining such effects, the Municipality may take into consideration the land use compatibility guidelines of the Province.
- b) Where avoidance is not possible the Municipality shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with the PPS:
 - i. there is an identified need for the proposed use;
 - ii. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
 - iii. adverse effects to the proposed sensitive land use are minimized and mitigated; and
 - iv. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.
- c) Buffers may be defined as a feature imposed between two conflicting land uses, including transportation uses such as highways and railways, for the purpose of preventing or alleviating the adverse effects of one land use upon another. Adequate buffering measures may include open space, a berm, a wall or fence, plantings, a gradation of land uses, or combination thereof sufficient to achieve the purposes intended.
- d) Special consideration will be given to the adverse impacts resulting from noise, dust, vibrations health concerns and odours, and the cost-effectiveness of buffering and other measures including structural design features sufficient to overcome or mitigate these impacts. In situations where development is being proposed within close proximity of a railway, consultation with the appropriate railway authority will also be required.

2.5 ENERGY CONSERVATION, AIR QUALITY AND CLIMATE CHANGE

- a) The Municipality will explore and promote the use of energy conservation and alternative energy sources as a means to improve air quality and adapt to climate change, while

ensuring the appropriate development of energy supply including electricity generation facilities and transmission and distribution systems meets the Municipality's needs.

- b) In all types of development proposals, designs which attempt to minimize energy costs for future residents, businesses and agriculture through road design, lot layout, building location and multi-unit design, and also maximize solar orientation and sun exposure, will be encouraged. In both development and redevelopment, innovative building designs and construction techniques that conserve energy and lead to a reduction of energy consumption will be encouraged. Energy conservation lighting and heating systems will also be considered.
- c) The use of programs which would assist in the reduction of energy use within existing buildings will be encouraged.
- d) The landscaping and siting of buildings on a building lot to provide wind shelter and maximize sunlight exposure will be encouraged. The Municipality will encourage the use of amenities such as sidewalks and bicycle lanes within new residential developments and will also consider the provision of bicycle lanes and sidewalks along streets within existing residential areas.
- e) The Municipality will promote opportunities to partner with infrastructure providers to increase access to electrical vehicle charging stations.
- f) The Municipality shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
 - a) promote compact form and a structure of nodes and corridors;
 - b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
 - c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
 - d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
 - e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;

- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
- g) maximize vegetation within settlement areas, where feasible.

2.6 VISUAL AMENITY

The visual amenity of the Municipality will be preserved and enhanced wherever possible. This will be achieved by efforts to place telephone and power distribution lines underground wherever financially feasible, by enforcing minimum property standards, by the regulation of signs and by encouraging good landscape design and tree planting.

2.7 ACCESSORY USES

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures accessory, incidental or secondary to that use are also permitted.

2.8 SECONDARY USES

Secondary uses are accessory uses to the principal use of a property and may include, but are not limited to home occupations, home industries and uses that produce value added agricultural products from the farm operation on the property. Secondary uses may be permitted subject to regulations in accordance with the requirements of the Zoning By-law.

2.9 MINIMUM DISTANCE SEPARATION AND NUTRIENT MANAGEMENT MINIMUM

- a) Livestock farming operations shall be characterized by the raising, keeping or propagation of animals and poultry for profit, as listed in the Factor Tables (Table 1) found in the Minimum Distance Separation Implementation Guidelines as amended from time to time.
- b) The Minimum Distance Separation Formula II (MDS II) shall be used to calculate appropriate setback distances between all new or expanding livestock facilities and existing or approved development.
- c) The Minimum Distance Separation Formulas I and II (MDS I and II) will not apply to the construction of a replacement dwelling unit or livestock facility after a catastrophe if:
 - i. The resulting new dwelling unit is built no closer to a livestock facility than prior to the catastrophe.
 - ii. The new livestock facility will not result in increases for Factor A, B or D values, compared to what existed prior to the catastrophe (as per Provincial MDS

guidelines).

- d) Municipal Council may also require the submission of a Nutrient Management Plan or Strategy before the issuance of a building permit for a livestock facility with five (5) or more nutrient units.

2.10 AGRICULTURAL-RELATED USES

- a) Agriculture-related uses are farm-related commercial and farm-related industrial uses. They add to the vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate agriculture-related commercial or industrial properties.
- b) The following criteria shall apply:
- i. are permitted subject to regulations in accordance with the requirements of the Zoning By-law;
 - ii. shall be compatible with, and shall not hinder, surrounding agricultural operations.
 - iii. entrance permits may be required to ensure that traffic generated and safety from traffic entering roadways from these uses are addressed;
 - iv. encouraged to locate along Provincial Highways, County Roads and identified truck routes in areas;
 - v. signage in accordance with the requirements of the Zoning By-law;
 - vi. that the use does not change the character of the area;
 - vii. that the use does not create a safety hazard or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or other emissions;
 - viii. limits on outdoor storage;
 - ix. the use is directly related and is required in close proximity to farm operations;
 - x. the Zoning By-law Amendment will establish adequate setback and buffering requirements to adjacent uses; and
 - xi. may be subject to Site Plan Control pursuant to Section 8.8 of this Plan.

2.11 ON-FARM DIVERSIFIED USES

- a) On-farm diversified uses are intended to enable farm operators to diversify and

supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas.

b) The following criteria shall apply:

- i. are permitted subject to regulations in accordance with the requirements of the Zoning By-law;
- ii. are located on a farm;
- iii. are secondary to the principal agricultural use of the property;
- iv. are limited in 2 % of land area or maximum of 1 ha;
- v. may require entrance permits to ensure that traffic generated and safety from traffic entering roadways from these uses are addressed;
- vi. are encouraged to locate along Provincial Highways, County Roads and identified truck routes in areas;
- vii. shall not hinder surrounding uses;
- viii. use signage that complies in accordance with the requirements of the Zoning By-law;
- ix. will not change the character of the area;
- x. does not create a safety hazard or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or other emissions;
- xi. may be subject to limits on outdoor storage;
- xii. may be subject to a Zoning By-law Amendment that will establish adequate setback and buffering requirements to adjacent uses; and
- xiii. may be subject to Site Plan Control pursuant to Section 8.8 of this Plan.

2.12 ADDITIONAL RESIDENTIAL UNITS

- a) An additional residential unit is a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas.
- b) The severance of an additional residential unit through consent, subdivision or condominium is prohibited.
- c) Additional residential units shall be permitted within single detached dwellings, semi-detached dwellings and rowhouse dwellings, as well as permitted accessory structures, provided they are in accordance with the requirements of the Zoning By-law and subject to the following criteria:
 - i. must be constructed and maintained in accordance with the Ontario Building Code and Fire Code with respect to health, safety, energy efficiency, water use, and

- other requirements, and shall obtain Building Permits, as required;
- ii. shall be a prohibited use on a residential dwelling lot containing a garden suite, boarding house or lodging house;
 - iii. adequate servicing shall be available to accommodate the additional residential unit, including, but not limited to water, wastewater and electricity;
 - iv. shall have no negative impact on stormwater management and site drainage;
 - v. additional residential units shall not be permitted in a residential dwelling unit situated within a floodplain area or area designated 'Hazardous Lands' in this Plan;
 - vi. existing parking requirements are maintained, and the additional residential unit parking requirements are met in accordance with the requirements of the Zoning By-Law;
 - vii. adequate open space and/or outdoor amenity areas are available for all residents;
 - viii. the overall character and stability of the surrounding neighbourhood is maintained;
 - ix. no adverse impact on adjacent heritage resources and/or heritage resources on the property; and
 - x. shall not be permitted on lots with legal non-conforming uses unless approved through a Zoning By-Law Amendment.

2.13 VACATION HOMES AND BED AND BREAKFAST ESTABLISHMENTS

- a) Vacation homes and bed and breakfast establishments shall be permitted in 'Commercial', 'Residential', 'Seasonal Residential' and 'Agricultural' designations in accordance with the requirements of the Zoning By-law.
- b) Vacation homes and bed and breakfast establishments with up to 6 rooms for the temporary accommodations of guests are permitted provided that:
 - i. the use shall not have an adverse effect on the enjoyment and privacy of neighbouring properties;
 - ii. the character of the dwelling as a private residence is preserved, if in a 'Residential' or 'Seasonal Residential' designation;
 - iii. the use is not located within a floodplain area or area designated 'Hazardous Lands' in this Plan;
 - iv. adequate parking and waste management is available on the lot for the proposed use;
 - v. the use will not cause a traffic hazard; and
 - vi. the use can be serviced with an appropriate water supply and an appropriate

means of sewage disposal.

2.14 INSTITUTIONAL

- a) Where specified as permitted uses in a land use designation, institutional uses may be permitted provided that such uses are deemed compatible with existing and planned development. Preferential location for institutional uses would be in settlement areas.
- b) The use is not located within a floodplain area or area designated 'Hazardous Lands' in this Plan.
- c) Institutional uses generally comprise those of a public authority or non-profit organization. They include schools, places of worship, nursing homes, rest homes, day-care centres, quarters of community organizations and clubs, indoor recreation facilities, community centres, and government buildings. A funeral home may also be considered as an institutional use.
- d) A separate zoning category will be established in the Zoning By-law to identify the full range of institutional uses permitted and the appropriate development regulations regarding these uses.
- e) Proposals for institutional uses shall meet the following criteria:
 - i. Facilities and services: Existing or proposed municipal services (including potable water supply, sanitary sewage collection and treatment, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate (ie. uncommitted reserve capacity available) to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standards.
 - ii. Off-street parking: Adequate off-street parking shall be provided in accordance with the Zoning By-law.
 - iii. Adjacent and surrounding land use: Adequate buffering and landscaping shall be provided to eliminate or reduce any negative visual impact on neighbouring uses.
 - iv. Site plan agreement: The Municipality may require the entering into of a site plan agreement to ensure the satisfactory provision and maintenance of facilities and services relating to the proposed development or redevelopment.
 - v. The land division policies of Section 8.3 of this Plan are complied with.

3.0 CULTURAL HERITAGE AND ARCHAEOLOGY

3.1 CULTURAL HERITAGE

- a) The Municipality recognizes and supports the provincial and local interest in the protection of its buildings, structures, and sites exhibiting architectural, historical, natural, or scenic interest. Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- b) The Municipality will encourage the identification, protection, restoration, conservation, enhancement, and maintenance of its cultural heritage resources. All development permitted by the land use policies and designations of this Plan shall, wherever possible, incorporate cultural heritage resources into any new development plans, or document those resources before development.
- c) The Municipality will encourage the use, development, and redevelopment of both publicly and privately owned land that will respect the heritage resources of the municipality. The Municipality will encourage the development of a built environment that incorporates and utilizes heritage features wherever feasible.
- d) Council may designate, under the *Ontario Heritage Act*, a Heritage Conservation District(s) located within the Municipality. Significant cultural heritage landscape features and heritage attributes may be included within a heritage conservation district. Prior to the designation of a Heritage Conservation District(s), Council:
 - i. must have provisions and policies in this Plan pertaining to the establishment of heritage conservation districts;
 - ii. should pass a by-law defining an area or areas to be examined for future designation as a Heritage Conservation District(s); and
 - iii. should prepare a study for the area or areas to determine the feasibility of designation, the delineation of the district boundaries, and evaluation of the area's heritage character, and guidelines for future conservation and planning. The study should be prepared in accordance with the Province's Heritage Conservation District Guidelines. Public participation is encouraged in the preparation of the study. The study may include policies directing Council in the approval of permit applications for new development and alterations to properties located within the Heritage Conservation District.

- e) In the improvement of existing roads and in the construction of new ones, the Municipality will endeavor to eliminate any detrimental impacts on heritage resources, especially on the aesthetic and scenic character of the rural landscape. Rather, the planting of trees and the protection of existing ones along highways and roads shall be encouraged and scenic vistas maintained and enhanced except where such efforts are a potential threat to public health or safety.
- f) In all areas of the municipality, the Municipality will ensure that care will be taken to preserve mature trees and other vegetative amenities. The preservation of woodlands, landmark trees, and tree lines shall be a consideration in evaluating development proposals.
- g) The Municipality will encourage measures that enhance the rural character and visibility of heritage resources through the preservation of historic barns and/or the establishments of a built form that is compatible with surroundings.
- h) The Municipality will seek to protect its heritage resources through the use of such means as designation under the *Ontario Heritage Act*, acquisition, conservation easements, subdivider's agreements, restrictive covenants, and participation in heritage improvement programs subject to the availability of its resources. Furthermore, the Municipality may amend its Zoning By-law to ensure that the use of land and the erection or enlargement of buildings and structures complements, and is sympathetic to the location, height, form, and character of heritage resources wherever practical.
- i) Municipal Heritage Committee (MHC) may be established pursuant to the *Ontario Heritage Act* to advise and assist Council on matters related to Parts IV and V of the Act. In addition, heritage advisory committees may also wish to advise and assist Council on other matters of cultural heritage conservation.
- j) The Municipality shall prepare and maintain a register of cultural heritage resources within the Municipality.

3.2 ARCHEOLOGICAL RESOURCES

- a) The Municipality will identify any development applications that will impact areas containing registered archaeological potential. Development on lands containing significant archaeological resources shall avoid the destruction or alteration of these resources. Where this is not possible, the development proponent shall conserve significant archaeological resources through the removal and documentation in advance of any land disturbances, and in accordance with archaeological licensing provisions of

the *Ontario Heritage Act*. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

- b) The Municipality recognizes that there are many archaeological remains of prehistoric and historic habitation and areas containing archaeological potential within the boundaries of the Municipality and will aim to protect and conserve the archaeological resources within its boundaries.
- c) Any alterations to known archaeological sites shall only be performed by licensed archaeologists, according to the *Ontario Heritage Act*.
- d) The Municipality may require archaeological assessment and the preservation or excavation of significant archaeological resources in accordance with Provincial requirements. Archaeological assessment reports by licensed archaeologists are to be in compliance with guidelines set out by the Province, as well as licensing requirements referenced under the *Ontario Heritage Act*.
- e) The Municipality may require a marine archaeological survey to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.
- f) The appropriate First Nation shall be provided notification with regard to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors. If the Municipality initiates an Archaeological Master Plan, the appropriate First Nations shall be notified and invited to participate in the process.

4.0 ENVIRONMENT

- a) This section expresses the goal and policies of the Municipality regarding its built heritage resources and cultural heritage landscapes, as well as the 'Natural Heritage and Natural Hazard' overlay areas shown on Schedules 'A' and 'B' of this Plan.
- b) The Municipality recognizes the value of these resources and the need to protect them wherever possible. Schedules 'A', 'B' and 'E' of this Plan delineates known areas of 'Natural Heritage and Natural Hazards'.
- a) The goal is to protect and enhance the natural heritage resources of the Municipality.

4.1 NATURAL HERITAGE AND NATURAL HAZARDS

- a) Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue on lands within, or adjacent to, the overlay lands shown on Schedules 'A' and 'B' of this Plan. New agricultural uses that require approval under the *Planning Act* will be permitted within, or adjacent to, the 'Natural Heritage' designation provided it has been demonstrated to the satisfaction of the Municipality, that there will be no negative impact on the natural heritage features or their ecological functions.
- b) The Municipality shall recognize and protect the natural heritage features and areas in the Municipality. Natural heritage features and areas, as defined by the PPS, and the Province's Natural Heritage Reference Manual, as updated from time to time, include: significant wetlands, significant coastal wetlands, significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, and significant areas of natural and scientific interest (ANSI's). Many natural heritage features rely on the ecological functions provided by watercourses. Watercourses also connect natural heritage features and are especially important in fragmented landscapes where a watercourse may be the only remaining natural area left. Natural heritage features and areas can often, also, overlap with natural hazards.
- c) Provincially Significant Wetlands are identified on Schedules 'A' and 'B' of this Plan. Significant woodlands and ANSI's are identified on Schedule 'B' of this Plan. Other natural heritage features, provincial park, and areas exist within the Municipality which may not be mapped on Schedule 'B' of this Plan, but will be considered, and, if warranted, evaluated as part of any *Planning Act* application.
- d) The determination of the area and significance of the natural heritage features and areas

is based on the following.

- i. Significant Wetlands are approved by the Province and any necessary approvals / permits obtained from the CA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations. The Province can identify such wetlands by delineating them or by reviewing and approving the work of others in accordance with the Ontario Wetland Evaluation System.
 - ii. Significant Habitats of Endangered Species and Threatened Species are approved by the Province. The Province can identify such habitat by delineating, describing, reviewing and approving the work of others.
 - iii. Significant Woodlands are identified by the Municipality and the County in accordance with the size criteria set out in the Natural Heritage Reference Manual. Consistent with the 18% woodland cover in the Municipality, woodlands 20 hectares in size and larger are considered significant and are identified on Schedule 'B' of this Plan.
 - iv. Significant Wildlife Habitats are approved by the Province, either by identifying them or by approving the work of others using the Significant Wildlife Habitat Technical Guide, EcoRegion Criteria Schedules and the Natural Heritage Reference Manual.
 - v. Areas of Natural and Scientific Interest (ANSI's) are identified by the Province in accordance with the ANSI confirmation process.
 - vi. Significant Valleylands and Fish Habitat are identified and approved by the Municipality using the Natural Heritage Resource Manual.
- e) The Municipality of Dutton Dunwich shall adopt and implement the policies, required by the PPS.
 - f) Municipal Council shall encourage the designation of natural heritage features and areas, and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored, or where possible, improved in order to increase diversity, connectivity to recognize linkages between and among natural heritage features and areas, surface water features and ground water features throughout the Municipality.
 - g) In addition to promoting co-operation with individual property owners in the preservation of natural heritage resources, Municipal Council shall also give consideration to the effects of public works on natural heritage resources in the municipality.
 - h) Development or site alteration will not be permitted in significant wetlands and significant coastal wetlands. Development and site alteration in any other natural heritage feature or

adjacent to natural heritage features or areas shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

- i) *Planning Act* applications that propose development and site alteration within 120 metres of significant natural heritage features, except for Earth Science ANSI's which have 50 metres adjacent lands width, shall not be permitted unless the applicant evaluates the ecological function of the adjacent lands and demonstrates to the satisfaction of the Municipality that there will be no negative impacts on the natural features or on their ecological functions and any necessary approvals / permits obtained from the CA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations.
- j) Development and site alteration is not permitted on lands adjacent to natural heritage features or areas, unless an Environmental Impact Statement is undertaken by a qualified professional to demonstrate that there will be no negative impacts on the natural features or on their ecological function, and approved by the Municipality and any necessary approvals / permits obtained from the CA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations. It shall address the following:
 - i. A description of the development and its purpose; the natural heritage feature present on site or in the adjacent lands; the nature and duration of the potential impacts to the site; adjacent lands and ecological processes, as well as the cumulative effects of the proposed development and how these impacts are intended to be mitigated.
 - ii. Site location including location maps and site plans.
 - iii. A description of the existing land uses on the site and on surrounding properties.
 - iv. A description and statement of the rationale for the development, and alternative methods of carrying out the development.
 - v. A description of:
 - i. The methodologies used for field studies and for determining the significance of each natural heritage feature;
 - vi. The natural heritage features on the site and adjacent lands, depicted on a map and described in the text;
 - i. The environment including ecological processes, that will be impacted or that might reasonably be expected to be affected by the proposed

- development or site alteration;
- ii. The actions that are necessary or that may reasonably be expected to be necessary to prevent, change, mitigate, or remedy the impacts upon the environment, including ecological processes, from the development to demonstrate that the test of no negative impacts has been met.
- k) Municipal Council may utilize any of the following planning tools to promote or preserve natural heritage resources in the municipality:
 - i. Conditions of consent and subdivision approval and consequent agreements;
 - ii. Provisions related to Site Plan Control subject to Section 8.8 of this Plan;
 - iii. Provisions pertaining to parkland dedication; and
 - iv. Standards, definitions and regulations in the Zoning By-law.

4.2 HAZARDOUS LANDS

4.2.1 BACKGROUND

- a) 'Hazardous Lands' are those overlay areas shown on Schedules 'B' and 'E' of this Plan normally associated with the Thames River and its tributaries and the Lake Erie shoreline and the streams and gullies flowing into it, which as a result of their susceptibility to flooding, erosion, subsidence, slumping, inundation; or as a result of the presence of steep slopes or organic or poorly drained soils, are considered hazardous or potentially hazardous to development.

4.2.2 GOALS

- a) To protect existing and future residents and property owners from the loss of life and damage to property that may result from the development of lands susceptible to natural hazards; and
- b) To minimize property damage and social disruption.

4.2.3 POLICIES

- a) Within the areas shown on Schedules 'B' and 'E' of this Plan as 'Hazardous Lands' the Municipality will seek the advice of the CA on the following matters before permitting any building, structure or additions thereto:
 - i. The degree of existing or potential physical hazards including, the effect of erosion on the proposed development, and the effect of the proposed development on erosion;
 - ii. The potential impact of these hazards on the proposed building or structure;

- iii. The proposed methods by which these impacts may be overcome in a manner consistent with accepted resource management practices and engineering techniques; and
 - iv. Adequate building setbacks in relation to the kind, extent, and severity of both the existing and potential hazard.
- b) The following policies will apply for any proposed development within the 'Hazardous Lands' overlay designation, in addition to those criteria set out in the PPS:
- i. Development within areas which will initiate or increase existing flooding hazards, or erosion rates, along valley walls and the Lake Erie shoreline will not be permitted.
 - ii. On the Lake Erie shoreline, the advice of the CA will also be provided before Council gives favourable consideration to any shoreline-related development.
 - iii. Vehicular and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.
 - iv. No new development of buildings or other structures will be permitted on the toe of slope if it is unstable and susceptible to erosion.
 - v. Slope stabilization measures shall be undertaken in accordance with the advice of the CA.
 - vi. No development involving institutional uses, essential emergency services, uses by/for the vulnerable sector or involving the disposal, manufacture, treatment, or storage of hazardous substances will be permitted.
 - vii. The activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.
- c) Docks and Waterfront Structures on Lake Erie:

Docks, waterfront and marina structures on property abutting water shall:

- i. Be subject to approval from the CA and the Province.
- ii. Be designed, constructed and maintained in a manner which contributes to the amenity of the Municipality.
- iii. Be capable of withstanding damaging storms, ice and high water conditions.
- iv. Not contain sanitary facilities unless connected to municipal sewers.
- v. Be located so as not to interfere with navigation or aids to navigation.
- vi. Be constructed and placed so as to minimize the impact on natural vegetation and

topography.

- vii. Not contain any residential accommodations or accessory structure.
 - viii. Not create a negative impact on the interruption of sediment drift along the shoreline so as not to cause down-drift damages to neighbouring shoreline properties / bluff areas.
- d) Lake Erie Shoreline:
- i. The Lake Erie shoreline area is a strip of land immediately adjacent to Lake Erie that is influenced by flooding, erosion, and dynamic beach hazards and may present a hazard to any structures and/or proposed development within this area.
 - ii. For the purpose of this Plan the 'Hazardous Lands' will begin at the furthest landward extent of the aggregate of the following distances:
 - a. the 100 year flood level, plus the appropriate allowance for wave uprush,
 - b. the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period,
 - c. where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement, and
 - iii. an allowance of 15 metres inland. All proposed development is to be reviewed and supported by the CA under the 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations prior to any work/construction/site alterations taking place'.
- e) Valley Walls and Top of Bank:
- i. Valley walls and banks adjacent to the actual flood plain or valleylands system in the 'Hazardous Lands' designation may be subject to erosion or instability due to soil and slope characteristics. In many cases, these lands also possess unique physical features that further warrant their preservation.
 - ii. River or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
 - a. where the river or stream valley is apparent and has stable slopes, the

valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side;

- b. where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side;
- c. where the river or stream valley is not apparent, the valley extends the greater of;
 - (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
 - (B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side. Lands within the valley walls and top of bank areas are intended primarily for the preservation of the natural landscape. Such uses as agriculture, outdoor recreation, nursery gardening, forestry, public or private parks, or other outdoor recreation functions, may be permitted.
- iii. Grading may be undertaken in this area provided that:
 - i. Engineering reports are prepared at the cost of the owner/applicant to ensure that the proposed grading will not be endangered by possible erosion or land slippage and that adequate tableland exists to ensure proper sewage servicing.
 - ii. The grading is compatible with the natural landscape and does not adversely alter the valley features or result in extensive clearing of wooded areas.
 - iii. Written permission is received from the CA.
- f) The uses permitted in the 'Hazardous Lands' areas shall be the same as those permitted in the underlying designated area.
- g) The Zoning By-law shall regulate development in 'Hazardous Lands' areas by such measures as establishing appropriate setbacks from the top of bank/bluff for buildings and structures on permanent foundations from the Thames River, municipal drains, natural watercourses and the Lake Erie shoreline, and any other areas with potentially unstable

slopes and/or subject to erosion. The Zoning By-law shall also regulate development in, and adjacent to, flood prone areas. The setbacks established in the Zoning By-law may vary based on the following conditions, or as required by the CA:

- i. Distance between the toe-of-bank and top-of-bank;
 - ii. Width of a natural watercourse under normal flow conditions;
 - iii. Rate of erosion.
- h) Whenever any flood control or other works are undertaken or more detailed surveys and mapping are available which result in significant changes to the areas identified as 'Hazardous Lands,' such changes shall be incorporated by way of amendment to this Plan, and be provided to the CA for their records.
- i) Alterations or disturbances to natural watercourses are subject to the provisions of the *Lakes and Rivers Improvement Act*, and/or the *Public Lands Act*, administered by the Province and the CA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. under the *Conservation Authorities Act*. Prior to the approval by the Province, the CA of any proposed alteration or disturbance within 'Hazardous Lands', the Municipality may advise the Province or the CA of any potential environmental or land use impacts resulting from the proposed alteration or disturbance. In addition, any alteration or disturbance to a watercourse for the purposes of damming and/or diversion will require a Permit To Take Water (PTTW) as issued by the Province and the necessary approvals by the Province under the *Lakes and Rivers Improvement Act* and necessary permits obtained from the CA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations.
- j) The placement or removal of fill within 'Hazardous Lands' as established by the CA shall only occur with the expressed written approval of the Province and by the CA, as the case may be.
- k) The identification of lands as 'Hazardous Lands' is not intended to be construed that these lands are necessarily open and accessible to the general public or that these lands will be acquired by the Municipality or some other public authority due to their limited use potential and the development restrictions which apply to them.
- l) Lands that may be subject to periodic flooding within the area shown on Schedule 'B' of this Plan, comprise those primarily associated with the Brown Drain. The Zoning By-law shall be used to regulate development adjacent to these drains by establishing appropriate setbacks for buildings and structures to prevent potential loss of property and to facilitate maintenance.

- m) The placing or removal of fill of any kind, whether originating on the site or elsewhere, within the immediate vicinity of the Brown Drain in Dutton shall be at the discretion of the Municipality, the Province and the CA, as the case may be.
- n) Land regulated by the CA pursuant to Ontario Regulation 152/06 are shown in the Zoning By-law. These lands are hazard lands, flood prone lands, valley land hazards, watercourse setbacks and adjacent lands associated with provincially significant wetlands. Prior to the issuance of a building permit within these lands, a permit must be issued by the CA. Changes to these overlay boundaries may occur without amending the Zoning By-law Schedules.

4.3 HUMAN-MADE HAZARDS

- a) Development on, abutting or adjacent to lands affected by mine hazards, oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource extraction operations may be permitted if remediation measures to address, and mitigate known or suspected contaminants or hazardous conditions are underway or have been completed.
- b) Contaminated sites shall be restored, as necessary, prior to any activity on a site associated with a proposed use such that there will be no adverse effect. In particular, any development application proposing to redevelop a contaminated site or develop lands adjacent to a contaminated site must include information pertaining to the following:
 - i. past and present uses of the site;
 - ii. a soil report prepared in accordance with the Record of Site Condition Regulation O.Reg 153/04, as amended of the *Environmental Protection Act* for the restoration and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. Development will not be permitted until the site has been restored in accordance with Provincial guidelines and legislation;
 - iii. an acknowledgement of the requirement that the site restoration is to occur in accordance with Province's requirements specified in Ontario Regulation 153/04 of the *Environmental Protection Act* as may be revised from time to time as a 'Record of Site Condition';
 - iv. where contamination has been identified, a letter from the Province acknowledging filing of a 'Record of Site Condition' prior to the development approvals being granted;

- v. there will be no change in property use for any of the property use changes specified in *Regulation 153/04*, as amended of the *Environmental Protection Act*, save and except the exemptions provided for by *Regulation 153/04*, unless a Record of Site Condition has been obtained and filed;
- vi. where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment should be supported;
- vii. unplugged oil and natural gas wells must be decommissioned (plugged) in accordance with the Province's *Oil, Gas and Salt Resources Act* regulations and Provincial Operating Standards. A licence pursuant to the *Oil, Gas and Salt Resources Act*, is required in order to perform any work on a well. It is recommended that although development may not be proposed near an unplugged well, landowners should decommission (plug) the wells and associated works for safety purposes; and
- viii. Development on, or adjacent to oil, gas and salt hazards or former petroleum operations will be permitted only when rehabilitation measures to address and mitigate known and suspected hazards are underway or have been completed. Prior to the issuance of a building permit, landowners proposing to develop a site with an abandoned well, must reference the 'Record of Site Condition Regulation, O. Reg. 153/04' as amended by the *Environmental Protection Act* and must decommission the well and associated works.

4.4 MINERAL AGGREGATE RESOURCES

4.4.1 BACKGROUND

- a) Areas shown as 'Mineral Aggregate Resources' are those overlay areas on Schedule 'C' of this Plan of known deposits of mineral aggregate resources within the Municipality. While the Municipality is not rich in high quality aggregate resource potential, certain areas along the Thames River and between Highway No. 401 and County Road No. 3 have been identified as potential Mineral Aggregate Resource Areas, as shown on Schedule 'C' of this Plan. There is potential for deposits of mineral aggregate resources across the Municipality.
- b) This section sets out the requirements and conditions for establishing a mineral aggregate operation in the Municipality as well as for wayside pits. All future mineral aggregate operations in the Municipality must be properly zoned for such purposes by the Zoning

By-law and be licensed by the Province pursuant to the Aggregate Resources Act. In considering a Zoning By-law Amendment to permit the establishment of a commercial pit and in recommending to the Province on applications for a license, the Municipality will have regard to the policies which follow, as well as being consistent with the PPS. Establishment of new mineral aggregate operations in areas not currently identified will require a Zoning By-law Amendment.

- c) This section also addresses those uses which are not directly related to aggregate resource extraction in areas shown as 'Mineral Aggregate Resources' including; criteria to be taken into consideration when establishing a pit; changing the zoning of lands shown as 'Mineral Aggregate Resources' and, the rehabilitation of abandoned mineral aggregate operations in the Municipality.

4.4.2 GOALS

- a) To protect areas with mineral aggregate resource potential; and
- b) To ensure that where the extraction of mineral aggregate resources is undertaken it is based on sound resource management and rehabilitation techniques, and creates a minimum of disruption to the environment and inconvenience to neighbouring residents.

4.4.3 POLICIES

- a) Within the areas shown as 'Mineral Aggregate Resources' on Schedule 'C' of this Plan the primary use of land shall be for the existing or future extraction of sand and gravel. Uses accessory to extraction such as processing (including crushing, washing, and recovery of recycled asphalt and concrete) and the stockpiling of aggregate products extracted from the operation shall also be permitted. Extracted mineral aggregate resources from outside the Municipality and from lands elsewhere in the Municipality may also be permitted in these areas for purposes of processing or stockpiling. A new pit shall not require an amendment to this Plan provided it is proposed to be located within an area shown as 'Mineral Aggregate Resources' on Schedule 'C' of this Plan and provided it complies with the policies of this Plan.
- b) Secondary uses may be permitted and may include such uses as agriculture, forestry, conservation, and outdoor recreation uses. The actual uses permitted will be specified in the Zoning By-law.
- c) Where lands are shown as 'Mineral Aggregate Resources' on Schedule 'C' of this Plan such areas do not constitute Municipal approval for the opening of a new pit or quarry. All new pit and quarry operations shall require an amendment to the Zoning By-law and a

license from the Province pursuant to the *Aggregate Resources Act*, and regulations pursuant thereto. In addition, all pit operations shall satisfy the requirements of the Province with respect to matters of: water supply; the taking of water; the disposal of liquid wastes and the control of air pollution, including noise, dust, and vibration in accordance with the *Aggregate Resources Act*. Permits-to-take-Water and Environmental Compliance Approval (water treatment/discharge; air emissions) may be required for an extraction operation.

- d) Mineral aggregate operations shall be protected from development and 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 'Mineral Aggregate Resources' areas or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
- i. resource use would not be feasible; or
 - ii. the proposed land use or development serves a greater long-term public interest; and
 - iii. issues of public health, public safety and environmental impact are addressed.
- e) The Zoning By-law will zone only those lands already in use and licensed by the Province for purposes of aggregate resource extraction. Lands shown as 'Mineral Aggregate Resources' but not currently used or licensed for extraction may be restricted in their use until such time as an application for a license pursuant to the *Aggregate Resources Act*, has been submitted and the requirements of this Plan are deemed satisfied by the Municipality.
- f) Proposals for the establishment of a pit (other than a wayside pit) shall satisfy the following criteria:
- i. Ground water resources: A pit will not be permitted which has the potential to have a deleterious effect on the quantity or quality of ground water resources. Mitigating measures or safeguards may be required to ensure neighbouring water wells will not be jeopardized;
 - ii. Adjacent and surrounding land use: All proposed pits shall be compatible with existing (or proposed) neighbouring land uses. Generally, the opening of new pits will be discouraged in areas adjacent to an area designated 'Hamlet,' or areas zoned or developed for residential purposes. To minimize any land use conflicts, screening measures in the form of tree planting, earth berms or some combination

thereof to provide an effective visual and noise buffer between the proposed pit and neighbouring land uses may be required. Limitations may be imposed on operating hours and the nature and location of processing facilities to ensure a reasonable degree of compatibility with neighbouring land uses;

- iii. Vehicular access: All roads to be used as truck routes serving the proposed pit shall be adequate or made adequate to meet the increase in truck traffic placed on them subject to the approval of the authority having jurisdiction. In no case shall access to these roads be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection;
- iv. Rehabilitation: Rehabilitation in the 'Agricultural' designation will be carried out so that substantially the same areas and same average soil quality for agriculture are restored, unless the following criteria have been met:
 1. there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of mineral aggregate extraction makes such rehabilitation unfeasible;
 2. other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3;
 3. agricultural rehabilitation in remaining areas is maximized; or
 4. an amendment to this Plan is obtained in accordance with all other policies of this Plan.
- v. Site plan: All proposals to open a pit shall require the submission of a site plan complete with information as required by the *Aggregate Resources Act*, and regulations pursuant thereto, or any other pertinent and applicable government legislation or guidelines;
- vi. Zoning: All new and existing pit operations shall be zoned in a separate Zone category in the Zoning By-law. The By-law shall establish the range of uses permitted and the regulations governing these uses.
- vii. Hours of operation and truck routes: The Municipality may pass by-laws, pursuant to the *Municipal Act*, to minimize impacts on neighbouring land uses

and on Municipality roads. These by-laws may specify hours of operation, designation of truck routes and similar measures.

- g) Application for a license to the Province to establish a pit will be reviewed by the Municipality in accordance with the policies of this Plan. As a result of such review, the Municipality may recommend approval of the application, may recommend the application be denied, or may recommend the application be approved subject to certain conditions.
- h) Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an Official Plan Amendment, rezoning or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.
- i) Where a wayside pit or quarry, or a portable asphalt plant is established on agricultural land, restoration of the agricultural capability of the lands in accordance with the PPS will be required. Rehabilitation to agricultural and agricultural related uses, forestry, conservation or nature reserves will not require an amendment to this Plan.
- j) To the extent its administrative and financial resources permit, the Municipality will support the efforts of landowners, special interest groups, the Lower Thames Valley Conservation Authority (CA), and the Province in the rehabilitation of abandoned pits provided such rehabilitation is for a permitted use which is in conformity with the policies of the land use designation within which the abandoned pit is situated, as well as any other relevant policies of this Plan.
- k) The creation of new lots or the alteration of existing lots, which have the effect of significantly reducing the viability of an existing or potential extractive operation, will not be permitted.
- l) Until such time as a proposal for a pit is submitted and found acceptable to the Municipality in accordance with the policies of this section, lands shown as 'Mineral Aggregate Resources' may remain zoned Agricultural (A1) in the Zoning By-law and the policies of this Plan which governs such zoning, namely, those of the 'Agriculture' area.
- m) The removal or leveling of hills containing aggregate resources for the purposes of increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of land surrounding the hill shall be permitted without the need for an amendment to this Plan or the Zoning By-law. Permission to remove or level these sites shall, however, be subject to approval of Council and a license being issued by the Province pursuant to the Aggregate Resources Act.

4.5 SOURCE WATER PROTECTION

- a) The policies of this Plan implement and complement the policies of the Thames-Sydenham and Region Source Protection Plans that apply within the Municipality in compliance with the *Clean Water Act, 2006*.

4.6 WATER RESOURCES

- a) In accordance with the policies of the PPS, this Plan shall endeavour to recognize the surface water features, ground water features, hydrologic functions, and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watershed. These features will be designated overlay areas shown as 'Surface and Ground Water Features' on Schedule 'C' of this Plan upon their availability.
- b) The Municipality shall adopt and implement the terms of the PPS.
- c) The Municipality shall encourage efficient and sustainable use of water resources including water conservation, sustaining water quality, and encouraging stormwater management practices which minimize water volume and contaminant loads while using increased vegetation and pervious surface materials.
- d) The Municipality shall discourage development and site alteration on or adjacent to surface water features and ground water features.
- e) Pursuant to the *Beds of Navigable Waters Act*, the waterbed of navigable waterways is claimed as Provincial Crown Lands. Any alterations to navigable waterways which alter the alignment or shape of the channel cross section shall be approved by the CA and the Province.

4.7 GROUND AND SURFACE WATER PROTECTION

- a) Ground and surface water sources occur throughout the Municipality. Groundwater sources need to be protected to promote public health and as an essential resource for settlement area and rural water supplies, agricultural production and the maintenance of natural heritage features.
- b) The Municipality shall encourage agricultural practices that protect water resources.
- c) The Municipality shall ensure that land use planning contributes to the protection, maintenance, and enhancement of water and related resources and aquatic systems on an integrated watershed management basis.

- d) The Municipality shall protect surface and groundwater quality through the use of regulatory and voluntary means of prohibiting, restricting, or influencing land uses and activities within vulnerable areas.

4.8 MINERALS AND PETROLEUM RESOURCES

- a) The exploration for and the production of oil, gas, and salt resources including related buildings, structures, pipelines and related facilities shall be permitted in all land use designations, except in the Village of Dutton and the 'Hamlet' designations. Mineral mining operations and petroleum resource operations shall be protected from development and 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. All exploration and production activities are to be in compliance with the *Oil, Gas, and Salt Resources Act* regulations and Provincial Operating Standards thereto.
- b) The municipality shall support the subsurface storage of oil, gas, and salt resources, subject to provincial regulations, so long as they do not adversely affect surface development rights as set out in this Plan.
- c) The municipality shall support the proper disposal of oil field brines, in accordance with Provincial regulations.
- d) New development shall be set back 75 metres from existing petroleum wells and associated works; this setback being equivalent to the setback required under the *Oil, Gas and Salt Resources Act* for new wells from existing development.
- e) Where development is proposed adjacent to or above known pools or deposits, shown as overlay areas on Schedule 'C' of this Plan as 'Oil Reservoir' and 'Gas Reservoir,' the Province shall be consulted regarding measures to allow possible future access for resource production purposes. Development and activities which will preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
 - i. resource use would not be feasible; or
 - ii. the proposed land use or development serves a greater long-term public interest; and
 - iii. issues of public health, public safety, and environmental impact area addressed.
- f) The municipality shall encourage the use of technology for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a natural or cultural heritage area. If there are no alternatives to exploration and production within a natural or cultural heritage area, measures will be undertaken to reduce negative impacts.

Where forest cover is removed it shall be replaced at a location specified by the landowner, unless no such location is suitable for tree cover, wherein the municipality may specify a location, as required by the County of Elgin Tree Cutting By-law.

- g) Upon cessation of production, sites of former petroleum operations including wells and associated works shall be rehabilitated to permit uses set out in the land-use designation where the sites are located. Upon cessation of production from wells in prime agricultural areas, rehabilitation shall restore the site so it can be used for agricultural purposes.
- h) As a condition of approving subsequent development on sites of former petroleum operations, the municipality will require that improperly abandoned wells and associated works that are known or discovered on the lands during development will be properly decommissioned in accordance with provincial requirements. Any development proposals on known historic salt solution mining activity areas will require a geo-technical study completed by a qualified engineer to ensure that development can occur safely.
- i) If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

5.0 COMMUNITY IMPROVEMENT

5.1 BACKGROUND

- a) This section of this Plan contains the goals, objectives and policies of the Municipality relating to community improvement. The entire Municipality is designated as 'Community Improvement Areas.' The term community improvement has been defined as encompassing "...all those activities both public and private, which maintain, rehabilitate, and redevelop the existing physical environment to accommodate the social and economic priorities within the community." Provisions relating to community improvement are a pre-requisite for participation by the Municipality in certain provincially sponsored improvement programs designed to financially assist municipalities in these undertakings.
- b) The 'Community Improvement Areas' in this section are areas that have been identified as exhibiting the greatest deficiencies in municipal services and facilities (e.g. water mains, sanitary and storm sewers, streets, sidewalks, parks and recreation facilities). By identifying these areas, by establishing appropriate objectives and the means by which improvements will be undertaken, and by integrating the concept of community improvement within the overall planning framework of the Municipality, the benefits resulting from improvement projects are expected to have greater impact.

5.2 GOALS

- a) To improve the designated hamlets and village of the Municipality in a manner that enhances their role and attractiveness as rural service centres and
- b) To ensure an acceptable and cost-effective standard of municipal services and facilities.

5.3 OBJECTIVES

- a) In the context of the expressed community improvement goal, the following more specific objectives will be pursued:
 - i. To improve deteriorating or otherwise substandard on-site services (e.g. water supply, sanitary waste disposal), municipal services, public utilities, and social and recreation facilities;
 - ii. To encourage the rehabilitation and maintenance of substandard housing, commercial properties and brownfield sites;

- iii. To encourage the demolition or removal of buildings and structures in a derelict or unsafe condition where rehabilitation is neither economically feasible nor practical;
- iv. To eliminate or at least effectively reduce land use conflicts and incompatibilities;
- v. To enhance the physical appearance and character of the built environment and to encourage the conservation and renewal of cultural heritage resources; and
- vi. To encourage the efficient use of vacant or underutilized parcels of land.

5.4 POLICIES

- a) The 'Community Improvement Areas' will be based on a consideration of the following criteria:
 - i. Deficiencies in municipal services and facilities, in particular water supply, streets, street lighting, storm drainage, sidewalks, parks and public recreation facilities;
 - ii. Existence of a significant number of residential and commercial properties, or brownfield sites, which are in need of demolition, rehabilitation, or maintenance;
 - iii. Existence of conflicting or incompatible land uses;
 - iv. Unattractive or unappealing visual character and image;
 - v. Existence of vacant or underutilized parcels of land that exhibit a development potential.
- b) The area designated as a 'Community Improvement Areas' comprise the entire Village of Dutton as shown on Schedule 'D' of this Plan and the designated hamlet areas of Iona, Iona Station and Wallacetown as shown on Schedule 'A' of this Plan. Community improvements have been determined to be both necessary and desirable in these areas as per the application of the criteria set out in Section 5.4 (a) of this Plan.
- c) Within the 'Community Improvement Areas,' the Municipality may by by-law, designate a 'Community Improvement Project Area' and prepare a 'Community Improvement Plan' within the meaning of the *Planning Act*. These plans will identify specific improvement projects to be undertaken, their estimated cost, and the period during which they will be undertaken. Opportunities will be provided for public input in the preparation of the plan, prior to its adoption by Council.
- d) Once a 'Community Improvement Plan' has been approved, the Municipality may undertake community improvements in accordance with this Plan. In undertaking these improvements, the Municipality may contract, repair, rehabilitate, or improve buildings on land acquired or held by it; sell, lease or otherwise dispose of any such building and land appurtenant thereto; or make grants or loans to the owners of land and buildings to assist

in the rehabilitation of such land and buildings in conformity with the 'Community Improvement Plan.'

- e) The Municipality will enforce its Property Maintenance and Occupancy Standards By-law within the 'Community Improvement Areas' to ensure an acceptable standard of property maintenance and building conditions.
- f) To the extent its financial resources and priorities permit, and in order to reduce the financial impact of community improvement on its ratepayers, the Municipality will participate in programs of the provincial and federal government to achieve its community improvement objectives.
- g) The Municipality may participate in federal and provincial housing programs aimed at assisting homeowners in the upgrading of substandard housing conditions.
- h) The Municipality will endeavor to maintain all municipally owned land and facilities in the 'Community Improvement Areas' to an acceptable standard and will encourage other public bodies and agencies to do likewise.
- i) The Municipality will attempt to eliminate or at least effectively reduce land use conflicts or incompatibilities by seeking the co-operation of affected property owners, by the relocation of these uses to more suitable areas, by strict controls on the expansion of these uses, and by encouraging changes to more compatible uses.
- j) Priorities for community improvement will be established on an annual basis namely through the municipal budgeting process and upon consideration of the following:
 - i. The extent to which the Municipality is able to allocate funds for community improvement given other municipal priorities and financial resources;
 - ii. The logical sequence of undertaking improvements;
 - iii. The nature and availability of federal and provincial programs, grants, and subsidies that would reduce the financial impact of community improvements on the Municipality;
 - iv. The type and degree to which deficiencies exist;
 - v. The probable impact that public expenditure will have on inducing rehabilitation and improvements to privately owned property;
 - vi. Petitions and input from affected residents and property owners;
 - vii. In the event of an emergency situation or a newly identified deficiency, priorities may be reevaluated.

6.0 INFRASTRUCTURE

6.1 PUBLIC WORKS, CAPITAL WORKS AND PUBLIC HEALTH

- a) The undertaking of public works within the Dutton Dunwich will be carried out only in accordance with this Plan as specified by the *Planning Act*.
- b) The Sewage Treatment Facility for the municipality is shown on Schedule 'A' of this Plan.
- c) The Plan will be used as a basis for the preparation of five-year capital works programs.
- d) The phasing and priority of development shall be determined by;
 - i. the policies of this Plan; and
 - ii. the feasibility of installing or extending services or the adequacy of existing services.
- e) The Municipal Council may at its discretion, circulate proposed Master Plans, Official Plan and Zoning By-law Amendments, and land use and development proposals to the Southwest Public Health for their review and comments related to any potential public health significance.

6.2 MUNICIPAL SERVICES AND UTILITIES

- a) Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.
- b) Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.
- c) Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.
- d) Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

- e) In rural settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.
- f) Water supply reservoirs, sanitary waste treatment plants, sewage lagoons, and landfill sites will generally be permitted in areas designated 'Agriculture' subject to the approval of the authority having jurisdiction.
- g) Water lines, sanitary and storm sewers, gas lines, telephone lines, communication towers and similar transmission systems including related facilities (such as pumping stations, and compressor stations) shall be permitted in all land use areas subject to the following criteria:
 - i. Agricultural land, natural heritage and natural hazards are avoided wherever possible;
 - ii. Designated 'Hamlet' areas are avoided where such transmission systems or related facilities would have a significant visual impact;
 - iii. Design and maintenance is in general harmony with the character of the area within which the facilities are located;
 - iv. Site landscaping and buffering is undertaken and maintained where deemed appropriate;
 - v. All relevant provisions of the Zoning By-law are complied with;
 - vi. Will require approval of the CA if in 'Hazardous Lands' on Schedule 'C' of this Plan;
 - vii. Prior to undertaking or authorizing the undertaking of any of the above-mentioned utilities or related facilities in or affecting the Municipality, it is expected that the proponents will consult with the Municipality and will have due regard to the criteria established; and
 - viii. For those developments located adjacent to, or in the vicinity of, a Provincial highway, where drainage would impact a Provincial highway, the Province will be required to review and approve the Stormwater Management Plans and Report.
- h) All existing and proposed undertakings of Hydro One, other than their buildings or land used for executive, administrative or retail purposes or held under lease or license from Hydro One, are permitted in all land use designations without an amendment to this Plan.

6.3 HIGHWAYS AND ROADS

- a) Public highways and roads are designated as 'Provincial Highways,' 'County Roads' or

'Municipal Roads' on Schedules 'A', 'B', 'C', 'D' and 'E' of this Plan. The primary function of 'Provincial Highways' is to move relatively large volumes of traffic at relatively high speeds through and within the Municipality, while the primary function of 'Municipal Roads' is to provide direct access to abutting property and to minimize through traffic. 'County Roads' are intended primarily for collecting traffic from 'Municipal Roads' and distributing it to 'Provincial Highways'.

- b) Development along 'County Roads' which would detract from their primary traffic function will be discouraged.
- c) Minimum setbacks from 'County Roads' and 'Municipal Roads' may be further regulated by the Municipality's Zoning By-law and/or by the appropriate road authority.
- d) Proposed development adjacent to highways and roads may be required to undertake noise studies, to the satisfaction of the municipality and in consultation with the appropriate road authority. Noise studies shall be completed in accordance with provincial guidelines. The proponent shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
- e) Provincial Highway 401 is under the control and jurisdiction of the Province. Any development which falls within Provincial permit control areas under the *Public Transportation and Highway Improvement Act* will be subject to Provincial policies, standards and requirements.
- f) In addition to all the applicable municipal requirements, all proposed development locations adjacent to, and in the vicinity of, a Provincial highway within the Province's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA) will also be subject to Provincial approval. Early consultation with the Province is encouraged to ensure the integration of municipal planning initiatives with Provincial transportation planning. Any new areas in the Municipality identified for future development that are located adjacent to, or in the vicinity of, a Provincial highway or interchange/intersection within Provincial permit control area will be subject to Provincial policies, standards, and requirements.
- g) Private Roads may be assumed by the Municipality once they have been upgraded to an accepted municipal standard. However, the Municipality is not obligated to assume any road even if it has been brought up to an accepted municipal standard. The Municipality will not be responsible for upgrading Private Roads.

6.4 RAILWAY CORRIDOR

- a) Where a sensitive land use is proposed adjacent to the railway within the Municipality of Dutton Dunwich, adequate buffering and security measures and setbacks will be required to eliminate any potential visual, safety, or environmental impact. In this regard, the guidelines of the Federal Government and the railway company will be taken into account.
 - i. All proposed development within 300 metres of a railway right-of-way shall be required to undertake noise studies, to the satisfaction of the municipality and in consultation with the appropriate railway. Noise studies shall be completed in accordance with provincial guidelines. The proponent shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
 - ii. All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the municipality and in consultation with the appropriate railway. The proponent shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
 - iii. All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided, to the satisfaction of the municipality in consultation with the appropriate railway.
 - iv. The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

6.5 TRAILS

- a) The Municipality shall promote the development of the proposed multi use trail shown on Schedules 'A' of this Plan.
- b) The trails are located on abandoned railways, along watercourses and connecting linkages.

6.6 ACTIVE TRANSPORTATION

The Municipality's transportation system, on Schedule 'A' of this Plan, moves people and goods via bicycle routes, multi-use trails, and roads. It is the intent of this Plan:

- a) to support the development of a multi-modal transportation system that is safe, efficient, economical, convenient and comfortable for all users;

- b) to respect the heritage assets, natural features and character of the Municipality as identified in the Province-wide Cycling Network; and
- c) to promote compact and walkable urban form consisting of mixed-uses and efficient transportation networks, encouraging cycling and walking.

New facilities or major improvements to the existing transportation system will only occur where such improvements are consistent with the planned character of the community. New and expanding commercial and industrial developments are encouraged to develop active transportation facility linkages to existing network connections. Major capacity improvements to the existing road system will only occur when the need exists and all reasonable transportation demand management options, including smart transportation technologies, have been previously considered and/or implemented.

6.7 LANDFILL SITES

- a) Areas shown as 'Landfill Sites' are those overlay areas on Schedule 'A' of this Plan.
- b) Sensitive lands uses, such as land and structures for livestock are not permitted within 30 metres of the perimeter of an operating landfill site.
- c) For non-operating landfill sites, no development is permitted, including agriculture (livestock) within the 30 metres where both leachate and (landfill) gas controls are required. The 30 metre setback could be reduced where only (landfill) gas controls are required.
- d) A 500 m 'Development Restriction' is shown on Schedule 'A' of this Plan. Any proposal for development within 500 metres of the perimeter of an operating or non-operating landfill site shall be accompanied by a report prepared by a qualified consultant that evaluates the presence and impact of any adverse effects or risks to health and safety and that proposes remedial action measures to the satisfaction of the Municipality.
- e) Lands that have been landfilled cannot be developed or redeveloped until the Province has issued an approval pursuant to the *Environmental Protection Act* or its successor.
- f) Notwithstanding the policies of Section 4 of this Plan to the contrary, any future development within the 'Landfill Sites' designation located in Part Lot 6, Concession 5 South of A, may be permitted. The Municipality will use measures as outlined in any existing or future Certificate of Approval from the Province for the landfill to mitigate any impacts to the adjacent natural heritage features and their ecological functions.

6.8 RENEWABLE ENERGY SYSTEMS

- a) The Municipality supports the development of solar, and biogas/biofuel energy systems for electricity production as a source of renewable energy for the economic and environmental benefit of the Municipality and the Province.
- b) The Municipality does not support the development of large scale wind energy system, unless Section 6.8.1 of this Plan has been addressed.
- c) Renewable energy system proponents are encouraged to contact the municipality prior to commencing any necessary background studies, to determine the nature and scope of the issues, which need to be addressed as outlined in the municipal consultation requirements under *Ontario Regulation No. 359/09*.

6.8.1 LARGE SCALE SYSTEMS

- a) Large-scale renewable and alternative energy systems and facilities, as defined by the Province, may be only permitted by an amendment to this Plan where the applicant demonstrates, through appropriate studies undertaken by qualified professionals that land use issues related to the amendment application have been addressed to the satisfaction of the Municipality.
- b) The proponent shall undertake one or more of the following applicable studies:
 - i. A noise impact study will be undertaken to determine setbacks for systems and facilities from sensitive land uses in accordance with the Province's 'Conservation and Parks' guidelines;
 - ii. A visual impact study will be undertaken to determine the impact and mitigation measures required for any structures on surrounding sensitive land uses;
 - iii. An environmental impact study shall be undertaken where natural hazards and natural heritage features or functions are identified in this Plan;
 - iv. Where natural features or functions are identified, the environmental impact study must demonstrate that the proposed development will have no negative impacts on the natural features or their ecological functions;
 - v. Development or site alteration shall not be permitted in significant habitat of endangered species and threatened species, significant wetlands and significant coastal wetlands;
 - vi. Where a significant amount of agricultural land is intended to be removed from agricultural use, a report will be required demonstrating that the proposed system or facility does not negatively impact normal farm practices, and is

- compatible with surrounding agricultural operations;
- vii. A soil report prepared in accordance with the Record of Site Condition Regulation O.Reg 153/04, as amended of the *Environmental Protection Act* for the restoration, remediation and cleanup of contaminated sites, and
 - viii. Any other such background studies as deemed necessary by Council prior to consideration of the amendment, related to nearby heritage designations, odour, vibration, municipal servicing capacity, traffic, or other land use impact.
- c) Large scale renewable and alternative energy systems and facilities shall not be located within 2 km from any existing residential dwellings, cemeteries, places of worship, schools, trails and parks, as outlined in the Zoning By-law and shall be subject to a Site Plan Control pursuant to Section 8.8, for the location of road access, parking, accessory buildings, vegetative buffers, location of external works/facilities, storm water management/drainage and any other identified impact mitigation facilities/measures.

6.8.2 SMALL SCALE SYSTEMS

Small-scale renewable and alternative energy systems and facilities, as defined by the Province, intended primarily for on-site energy production and use shall be permitted in any Zone as an accessory use, provided any structures, facilities or appurtenances associated with the system comply with the regulations of the Zone in which it is located; and provided that the system does not create any adverse impacts on surrounding land uses, and any applicable permits or related fees are obtained.

7.0 LAND USE

7.1 AGRICULTURE

7.1.1 BACKGROUND

- a) The 'Agriculture' land use designation shown on Schedule 'A' of this Plan covers the largest portion of the Municipality. This designation reflects the existence of high capability soils for agriculture (90% of the Municipality's land area being within the top four class ratings of the Canada Land Inventory). Soils in the Municipality are predominantly of a heavy clay nature in the north giving way to clay loam in the south. An extensive network comprising natural tributaries and municipal drains has been developed to increase soil productivity. Livestock farming (principally beef cattle and hogs) and cash crops (principally corn and soybeans) are the predominant farming types.
- b) The policies of the 'Agriculture' designation which follow are intended to ensure the continuation of farming as the predominant use of this area, free in its ability to function and expand in accordance with sound farm management techniques and conservation practices and without the constraints imposed by potentially conflicting land uses. While land uses in addition to farming are permitted as set out in the policies, they will be strictly controlled in terms of their type and location so as not to be detrimental to farming.
- c) The 'Agriculture' designation shown on Schedule 'A' of this Plan shall be considered to be prime agricultural areas in accordance with the definitions of the PPS.

7.1.2 GOALS

- a) To preserve prime agricultural areas for agricultural purposes to ensure the continued long-term availability of this resource and to support a viable agricultural community;
- b) To provide adequate safeguards and flexibility in the future development of the Municipality to enable farmers to adjust to changing market conditions;
- c) To facilitate the development of services and facilities necessary to support a wide range of direct agriculture uses, agricultural-related uses and on-farm diversified uses and activities;
- d) To protect natural heritage features as one means of ensuring the long-term viability of agricultural lands due to their moderating effects on temperatures, their controlling influence on soil erosion and water quality and quantity;
- e) To protect and to promote the sound management of existing woodlots and forests;

- f) To encourage reforestation and other conservation measures and farm management practices designed to maintain the area's natural environment and ecological balance;
- g) To prevent soil erosion and to protect surface and groundwater resources from depletion or contamination;
- h) To retain the rural character of the community by restricting the type and amount of non-agricultural uses in the area designated 'Agriculture', and direct non-agricultural uses to the settlement areas;
- i) To conserve, preserve and enhance the rural character of the Municipality as a cultural resource;
- j) To discourage lot creation in the 'Agriculture' designation and establish a minimum farm parcel size that protects agricultural areas from fragmentation; and
- k) To ensure that new agricultural uses and non-agricultural uses comply with the Province's Minimum Distance Separation Formulae.

7.1.3 POLICIES

- a) Within the areas designated 'Agriculture' on Schedule 'A' of this Plan the predominant use of land shall be for agricultural uses, agricultural related uses and on-farm diversified uses.
- b) Buildings and structures essential to a farm operation including the farm residence, barns and other buildings supporting the farm operation, are also permitted.
- c) Agricultural uses may include the: growing of crops, including greenhouse crops, nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment; and conservation uses;
- d) Agriculture-related uses, including: farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity, may be permitted through an amendment to the Zoning By-law and pursuant to Section 2.10 of this Plan.
- e) On-farm diversified which are secondary to the principal agricultural use of the property, are limited in area, and are compatible with the surrounding agricultural operations, may be permitted, pursuant to Section 2.11 of this Plan. On-farm diversified uses may include, but are not limited to: home occupations, home industries, agri-tourism uses, and uses

that produce value-added agricultural products. Agri-tourism uses include farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

- f) Secondary uses may also be permitted and may include home occupations, agriculturally-related commercial and industrial operations, outdoor recreation uses, natural areas, forestry, exploration and production of oil and natural gas, pits and quarries, wayside pits and quarries, portable asphalt plants and portable concrete plants. Where these uses would conflict with existing farming operations or would reduce the farming options or flexibility on adjacent or surrounding farmland, they may not be permitted. A secondary use is permitted pursuant to Section 2.8 of this Plan.
- g) Additional residential units on a lot is permitted pursuant to Section 2.12 of this Plan.
- h) Mobile homes, garden suite and prefabricated dwellings, may be permitted on the farm for farm family members or farm labor, pursuant to Section 8.15 of this Plan. The subsequent severing of these dwellings from the farm will not, however, be permitted.
- i) Fruit and vegetable stands, tree farms, aqua-culture farming, greenhouses, wineries, retail nursery outlets and retail floral shops are permitted in the 'Agriculture' designation without an amendment to the Zoning By-law provided they are secondary to the agricultural use of the site and that the goods for sale are grown or produced on-site.
- j) Licensed Cannabis Production Facilities (CPFs) in accordance with the *Cannabis Act*, may be considered as a permitted use in areas of the 'Agriculture' designation, subject to a site-specific Zoning By-law Amendment and Site Plan Control. Upon receipt of an application for a Zoning By-law Amendment and Site Plan Control to permit a CPF in the 'Agriculture' designation, Council shall be satisfied that the following criteria is met:
 - i. new purpose-built facilities will be encouraged as the first option, and any retrofit or use of existing agricultural buildings or structures must demonstrate site suitability pursuant to Section 2.2 of this Plan;
 - ii. that mitigation measures be taken to reduce impacts on nearby residential, institutional, and other sensitive land uses, and, to determine the appropriate separation distance of the proposed facility to existing sensitive land uses and zones, including commercial and recreational land uses frequented by members of the public;
 - iii. that noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation will not add essentially to the incompatibility of the use with the surrounding area;

- iv. that buffering and screening will preserve the agricultural character of the surroundings; and
 - v. that required services will be installed such as, but not be limited to, on-site water storage, rate-of-flow control facilities and stormwater management facilities.
- k) Barns that are in close proximity to surplus dwellings are encouraged, where feasible and warranted in terms of future farm operations, to remain with the farmland. However, if a barn is located on the same lot as a dwelling, the barn will be required to comply with the requirements of height and setback of an accessory structure identified in the Zoning By-law;
- l) Proposals for new or altered land uses, excepting mineral aggregate resources, in the 'Agriculture' designation will require an amendment to this Plan which must be justified on the basis of demonstrated need for additional lands to be designated to accommodate the proposed use; no reasonable alternative locations which avoid prime agricultural areas; does not comprise a specialty crop area; and no reasonable alternative locations in prime agricultural areas with lower priority agricultural land. All such proposals will be subject to the Minimum Distance Separation Formula I.
- m) Home occupations not directly related to farming may be permitted provided they remain clearly secondary to an agricultural or residential use, and provided they are engaged in primarily by those residing on the farm or within the dwelling within which the home occupation is being engaged in. Home occupations shall be conducted entirely within the dwelling or within a separate building located on the farm. The type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law. A public health assessment by the Southwest Public Health may be required for those home occupations that impact public health.
- n) Agriculture related commercial and industrial uses that are small in scale, directly related to the farm operation, and required in close proximity to the farm operation may be permitted, subject to the following criteria:
- i. Location: The proposed use shall be located on non-agricultural land. Where locations on agricultural land are proposed, regard shall be had to Section 2.8, 2.10 or 2.11 of this Plan.
 - ii. Adjacent and surrounding land use: The proposed use shall be located and designed in a manner to ensure compatibility with existing or proposed neighboring land uses. Where necessary or desirable, the proposed use shall

be adequately buffered from neighboring land uses by the provision of adequate setbacks and/or screening. With respect to custom grain drying operations, a minimum buffer distance, as determined by the Municipality, after consulting the Provincial 'Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses' (or its successor document), shall be maintained to reduce potential air quality and noise problems. All custom grain drying operations will require a certificate of approval from the Province.

- iii. Vehicular access: Vehicular access shall be available or made available from a public highway or public road (preferably a County road) of reasonable construction and maintenance, and shall be subject to the approval of the authority having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection.
- iv. Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lot proposed to be used or created shall be adequate for the use being proposed. In no case shall lots be created which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
- v. Services: Existing or proposed services (including methods of potable water supply, sanitary sewage treatment and disposal and solid waste disposal, electric power, and roads) shall be adequate to serve the proposed use subject to the approval of the authority(ies) having jurisdiction. If these services or facilities are deemed inadequate, the Municipality may require an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
- vi. Storm drainage: Adequate provision for storm drainage and surface runoff shall be provided. The Municipality may require the submission of a grading plan, to ensure surface runoff does not adversely affect neighboring properties.
- vii. Zoning: All agriculturally related commercial and industrial operations shall be zoned and regulated by the use of a separate Zone category in the Zoning By-law. In no case shall lands be used, or buildings or structures erected which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted. In addition, all such agriculturally related uses shall comply with the Minimum Distance Separation Formula I, with respect to neighbouring livestock-related uses.

- viii. Site plan: A site plan satisfactory to the Municipality, indicating the proposed building area, existence of natural features and natural hazards, existing land uses, neighboring land uses, ingress and egress from the subject lands, parking areas, on-site landscaping, and services shall be required.
- o) The following Specific Policy Areas, as shown on Schedule 'A' of this Plan permit site specific land uses and establish development criteria, notwithstanding the Agriculture Land Use Policies of Section 7.1 of this Plan. These Specific Policy Areas recognize the unique character of the proposed land use and do not create a precedent in the Municipality.
 - i. Notwithstanding any policies of this Plan to the contrary, the use of lands comprising Part of Lot 7, Concession VI of the Municipality of Dutton Dunwich for active outdoor recreation purposes, namely a golf course, and designated as Specific Policy Area No. 1 on Schedule 'A' of this Plan attached hereto, may be permitted. The development of these lands shall be subject to the Site Plan Control provisions of the *Planning Act*. Any change in use other than to an agricultural use shall be evaluated on the basis of the PPS, or their successor, and shall require an amendment to this Plan.
 - ii. Notwithstanding any policies of this Plan to the contrary, the lands comprising Part Lots 18 and 19, Concession XII of the Municipality of Dutton Dunwich may be used as a seasonal residential community (known locally as Bradtville), and are designated as Specific Policy Area No. 3 on Schedule 'A' of this Plan. A seasonal residential community shall be defined as a cluster of single household dwellings that are not used or intended for continuous habitation or as a permanent residence. In recognition of the seasonal character of this existing development, these lands should be zoned in a fashion that conveys the limited municipal services available to the development. The redevelopment of these lands shall be subject to the Site Plan Control provisions of the *Planning Act* and a permit from the CA
 - iii. Notwithstanding any policies of this Plan to the contrary, the lands comprising Part Lot 1, Concession A of the Municipality of Dutton Dunwich may accommodate up to seven (7) non-agricultural residential building lots, and are designated as Specific Policy Area No. 4 on Schedule 'A' of this Plan.
- p) Wherever possible, the Municipality will encourage the protection and expansion of woodlots, windbreaks and forests. The clearing of woodlots will not be permitted except

in accordance with the County Tree Cutting By-law. The Municipality may request reforestation of an equivalent area of land or planting of a fence line or windbreak.

- q) A wayside pit to remove mineral aggregate resources may be permitted provided the opening and rehabilitation of the wayside pit is in accordance with Section 4.4 of this Plan.
- r) Existing lots which have been created in conformity with the policies of this Plan for non-agricultural use and more particularly for lands intended to be occupied by any residential building, shall maintain a minimum separation distance of 235 metres from the licensed landfill site in Part Lot 6, Concession V, North of A and shall maintain a minimum separation distance of 150 metres from any sanitary sewage treatment facility, notwithstanding Section 6.7, of this Plan. New lots, within 500 metres of the landfill site shall be subject to Section 6.7 of this Plan.
- s) The land division policies of Section 8.3 of this Plan are complied with.

7.2 RESIDENTIAL

7.2.1 BACKGROUND

- a) The 'Residential' land use designation is shown on Schedule 'D' of this Plan and provides the main location for housing.

7.2.2 GOALS

- a) To promote sustainable, efficient and diverse residential neighbourhood; and
- b) To provide a diverse range of housing types and densities.

7.2.3 POLICIES

- a) Within the areas designated 'Residential' on Schedule 'D' of this Plan the primary use of land shall be for single detached dwellings. The density target for single detached dwelling units on vacant developable residential lands is 15 units per gross hectare. Two unit dwellings and multiple unit dwellings shall also be permitted to ensure a diversity of housing types capable of meeting the needs and preferences of the existing and future residents of Dutton. The density target for medium density residential dwelling units on vacant developable residential lands is 35 units per gross hectare. The actual types of dwelling units permitted in the designated 'Residential' areas will be specified and regulated by the Zoning By-law. Density targets will be achieved by regulations in the Zoning By-law through such measures as increased height and density and reduced parking requirements.
- b) Secondary uses may be permitted in the designated 'Residential' areas and may include

home occupations, institutional uses, professional offices, group homes, neighbourhood parks, and open space.

- i. Group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live under responsible supervision consistent with the particular requirements of its residents. The home is licensed and/or approved for funding under provincial statutes and in compliance with municipal by-laws.
 - ii. In order to prevent an undue concentration of group homes in specific areas of the Municipality, standards requiring a minimum distance between these facilities will be incorporated in the Zoning By-law.
 - iii. Group homes existing on the date the Zoning By-law comes into effect, but not complying with the requirements of the by-law, will be permitted to continue in operation but will not be permitted to expand without municipal approval.
- c) Home occupations may be permitted if they are clearly secondary to a residential use, are contained entirely within a dwelling unit, and comply with the standards and regulations set out in the Zoning By-law. A public health assessment by the Southwest Public Health may be required for those home occupations that impact public health.
- d) Institutional uses, pursuant to Section 2.14 of this Plan, may be permitted provided they do not adversely affect the quality and character of the 'Residential' areas and provided they comply with the standards and regulations set out in the Zoning By-law.
- e) Neighbourhood parks, playgrounds and other public open space areas that serve residential needs and complement the character of the 'Residential' areas shall be permitted pursuant to Section 7.7 of this Plan and provided they comply with the standards and regulations set out in the Zoning By-law.
- f) In order to maintain and strengthen the development of the 'Central Business District' and in order to maintain the character of designated 'Residential' areas, the establishment of commercial retail and service uses (with the exception of professional offices and home occupations) in the 'Residential' areas will not be permitted. The establishment of professional offices in areas designated 'Residential' shall be subject to the policies of Section 7.2.3 (k) of this Plan.
- g) The Zoning By-law will zone only those lands already developed for residential purposes plus infilling situations (i.e. existing lots on opened streets). Large blocks of land designated 'Residential' on Schedule 'D' of this Plan which are at the present time undeveloped will be placed in a Holding Zone pursuant to Section 8.7 of this Plan until

such time as conditions are right to permit development.

- h) Proposals for new single detached and two unit dwellings in the designated 'Residential' areas and meet the following criteria:
- i. Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lots proposed to be used or created for residential purposes shall be appropriate to the development being proposed and consistent, wherever desirable and feasible, to adjacent and surrounding lots. In no case shall lots be created or dwelling units constructed which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
 - ii. Natural features: Natural site features including vegetation, tree cover, and topography shall be protected, enhanced, and incorporated into the design of the proposed development to the greatest extent possible.
 - iii. Design: Innovative housing design and site layout including energy-saving measures will be encouraged to achieve energy savings, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.
 - iv. Open space: Open space including parkland shall be provided in accordance with the policies of Section 3.7 of this Plan.
 - v. Adjacent and surrounding land use: The proposed development shall be compatible with existing (or proposed) neighbouring land uses. Where necessary or desirable, the proposed development shall be adequately screened from adjacent land uses by the provision of landscaping and/or buffering.
 - vi. Facilities and services: All new development shall be connected to the municipal piped water supply system and municipal sanitary sewage system. Existing or proposed municipal services (including potable water supply, sanitary sewage collection and treatment, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate (ie. uncommitted reserve capacity available) to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standards.
 - vii. Storm drainage: Adequate provision for stormwater quality management, drainage and surface runoff subject to the requirements of the Municipality and the Provincial Approval Authority shall be made. The Municipality may require the

submission of a grading plan to ensure surface runoff does not adversely affect neighbouring properties.

- viii. Vehicular access: Vehicular access shall be available or made available from a public highway or public street of reasonable construction and maintenance to permit year round access and shall be subject to the approval of the authorities having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection. In new residential subdivisions, the use of a curvilinear street pattern, cul-de-sacs, and other similar design features to minimize through traffic movements may be considered.
- ix. The *Planning Act*: In the case of a residential subdivision, all matters contained within the *Planning Act*, as amended or revised from time to time, shall be complied with. Only those plans of subdivision which comply with the requirements of this Plan and which are capable of being supplied by adequate services and facilities (including fire protection and schools) will be recommended by the Municipality for approval in accordance with the provisions of the *Planning Act*.
- i) Proposals for new multi-unit dwellings shall meet the criteria of Section 7.2.3 (h) of this Plan, along with the following additions or modifications:
 - i. Location: Locations considered most desirable for multi-unit residential development within the Municipality are adjacent or close to the areas designated 'Central Business District' and 'Open Space.' Proposals for multi-unit residential development will be encouraged to locate within safe walking distance to elementary schools and public open space. Locations where traffic safety hazards to children are apt to occur will be discouraged.
 - ii. Density and height: The density and height of development shall be compatible with the existing density and height of development in the area. The actual density and height of development permitted will be established in the Zoning By-law.
 - iii. Design: Creative site design will be encouraged to enhance the quality of the development and the residential character of the area.
 - iv. Open space: Adequate open space shall be provided and maintained in accordance with Section 7.7 of this Plan.
 - v. Vehicular access: Vehicular access shall be available from a public highway or public street capable of handling any increased traffic flow resulting from the proposed development.

- vi. Pedestrian access: Pedestrian walkways shall be provided and maintained to enable safe and convenient access throughout the year between the proposed development and the local pedestrian circulation system and, where feasible and desirable, directly to public facilities (e.g. schools, parks, fairgrounds).
 - vii. Off-street parking: Adequate off-street parking for residents and visitors shall be provided in accordance with the Zoning By-law.
 - viii. Site plan agreement: To ensure a satisfactory standard of development, provision of services and facilities, and long-term maintenance, the Municipality may require that a site plan agreement be entered into prior to the issuance of any building permit.
- j) Proposals for the conversion of single detached dwellings to multi-unit dwellings shall be permitted in accordance with the following criteria:
- i. The dwelling is of a size and design suitable and appropriate for conversion;
 - ii. Adequacy of public water supply and public sanitary sewage services subject to the approval of the authority(ies) having jurisdiction;
 - iii. A minimum floor area per dwelling unit in accordance with the standards of the Zoning By-law.
 - iv. Changes to the exterior of the building which would have the effect of substantially altering its appearance as a dwelling and which would detract from the residential character of the area will be discouraged.
 - v. Adequate outdoor space for each dwelling unit;
 - vi. Adequate on-site parking for each dwelling unit in accordance with the standards prescribed by the Zoning By-law.
 - vii. Compliance with all relevant provisions of the Zoning By-law.
- k) Proposals for the establishment of professional offices may be permitted in areas designated Residential' in accordance with the following criteria:
- i. Location: Lands or buildings that are not well suited for residential purposes due to their location, age, or design will be encouraged. The location of professional offices in recently constructed dwellings or in recently developed areas of Dutton will be discouraged.
 - ii. Servicing: Adequacy of a public potable water supply and public sanitary sewage services subject to the approval of the authority(ies) having jurisdiction.
 - iii. Landscaping and buffering: On-site landscaping and buffering shall be provided to minimize any adverse impact on neighbouring residential lands and to ensure

that the proposed development is in harmony with the residential character of the area. Native plantings are recommended where possible.

- iv. Design: Where existing buildings are proposed to be converted to professional offices, changes to the exterior of the building, which would have the effect of substantially altering its appearance in a manner that would detract from the residential character of the area, will be discouraged. Where new buildings are being proposed for professional offices, the design of these buildings in a manner which complements and enhance the residential character of the area and provides accessibility for persons with disabilities or the elderly.
 - v. Off-street parking: Adequate off-street parking for employees and patrons shall be provided in accordance with the Zoning By-law. Proposals which would require the conversion of relatively large amounts of existing landscaped or grassed areas into parking areas will be discouraged as these will detract from the residential character of the area.
 - vi. Zoning: Lands presently used for professional offices will be placed in a separate Zone category in the Zoning By-law. All new proposals will require an amendment to the By-law.
 - vii. Site plan agreement: To ensure a satisfactory standard of development, provision of services and facilities, and long-term maintenance, the Municipality may require that a site plan agreement be entered into prior to the issuance of any building permit.
- l) New residential development by land severance, which would result in the creation of a number of individual parcels of lands, will be discouraged in favour of a plan of subdivision. The land division policies of Section 8.3 of this Plan are complied with.
 - m) The Municipality will encourage owners and tenants of deteriorated or substandard housing to rehabilitate, improve and maintain their dwellings and property and, in this regard, may participate in community improvement programs and enforce minimum standards for property maintenance and occupancy.
 - n) The Municipality may participate in the housing programs of the Federal and Provincial governments to meet its housing needs. The target for development of affordable housing is five (5) units per annum.
 - o) Additional residential units on a lot is permitted pursuant to Section 2.12 of this Plan.
 - p) A garden suite on a lot is permitted pursuant to Section 8.15 of this Plan.

7.3 CENTRAL BUSINESS DISTRICT

7.3.1 BACKGROUND

- a) The 'Central Business District' land use designation is shown on Schedule 'D' of this Plan and reflects the established commercial area which serves both local needs and the tourism function.

7.3.2 GOALS

- a) To promote a high aesthetic quality in all commercial uses that reflect the local character;
- b) To address the needs of local commercial uses to attract visitors and tourists; and
- c) To minimize the impacts of commercial uses on adjacent sensitive land uses.

7.3.3 POLICIES

- a) Within the area designated 'Central Business District' on Schedule 'D' of this Plan the primary use of land shall be for those establishments engaged in the buying and selling of goods and services.
- a) The types of commercial uses permitted in the 'Central Business District' designation will be specified in the Zoning By-law.
- b) Secondary uses may be permitted in the 'Central Business District' and may include institutional uses in accordance with Section 2.14 of this Plan, public parks and open space, and off-street parking. Residential uses in the form of dwelling units over and above ground floor commercial uses will be permitted in the central or core area while multiple dwellings may be permitted towards the periphery in accordance with Section 7.2.3 (j) of this Plan. Uses accessory to commercial uses (e.g. repair, manufacturing, storage and office space) will also be permitted and small scale manufacturing and repair uses may be permitted provided they do not pose a potential nuisance or safety hazard to non-industrial uses. The actual secondary uses permitted will be specified in and regulated by the Zoning By-law.
- c) The 'Central Business District' will be recognized as the principal and dominant focus of commercial activity, compact in form, accessible for persons with disabilities or the elderly, and characterized by a diversity of uses. New commercial development will therefore be directed to the 'Central Business District' unless the nature of the proposed development or the lack of suitable sites makes location in the 'Central Business District' impractical.
- d) The Municipality, to the extent of its financial abilities and in co-operation and consultation with merchants and affected property owners, will seek to strengthen and enhance the 'Central Business District.' A revitalization plan for the 'Central Business District' may be

prepared based on an overall development theme and prescribing a series of coordinated improvements to the streetscape, building facades, pedestrian circulation and amenities, accessibility for persons with disabilities or the elderly, and vehicular circulation and parking. The plan will be implemented primarily by improvements to publicly and privately owned land, but may also include the acquisition of land by the Municipality for purposes of providing adequate and conveniently accessible off-street parking or where the use of such land is detracting from the 'Central Business District' or is otherwise preventing desirable development from taking place.

- e) Proposals for new development and redevelopment in the 'Central Business District' shall meet the following criteria:
- i. Services and facilities: All new development shall be connected to the municipal piped water supply system and municipal sanitary sewage system. Existing or proposed services (including potable water supply, sanitary sewage collection and treatment, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate (i.e. uncommitted reserve capacity available) to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
 - ii. Off-street parking: Adequate parking shall be provided in accordance with the Zoning By-law. As an alternative to providing on-site parking, the Municipality may accept a cash-in-lieu payment with such monies going towards the creation of new or the improvement of existing parking areas serving the 'Central Business District.'
 - iii. Adjacent and surrounding land use: Adequate buffer planting or screening may be required along the boundary between the 'Central Business District' and 'Residential' areas. Native plantings are recommended where possible.
 - iv. Zoning: All new development, redevelopment and expansion to existing development shall comply with the standards of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
 - v. Site plan agreement: The Municipality may require the entering into of a site plan agreement to ensure the satisfactory provision and maintenance of facilities and services relating to the proposed development or redevelopment.
 - vi. The land division policies of Section 8.3 of this Plan are complied with.

7.4 HAMLETS

7.4.1 BACKGROUND

- a) Areas designated 'Hamlets' on Schedule 'A' of this Plan are the small rural settlements of Iona, Iona Station, and Wallacetown. This section sets out the intended function and scale of these communities, the range of uses permitted, and servicing considerations. Also included are the criteria that will be used to assess development proposals with the designated 'Hamlets' areas.

7.4.2 GOALS

- a) To maintain the hamlets as rural service centres capable of accommodating additional development thereby alleviating development pressures on the agricultural areas.

7.4.3 POLICIES

- a) The areas designated as 'Hamlets' on Schedule 'A' of this Plan are intended to function as small rural settlements providing commercial, institutional, and recreational services to the surrounding area and capable of accommodating additional development.
- b) It is intended that future development will be in keeping with the existing scale and character of development, primarily of an infilling nature or as a logical extension to existing development within the 'Hamlet' designation as they existed at the date of approval of this Plan.
- c) The primary use of land shall be for low-density residential purposes. Also permitted will be uses accessory to residential uses including home occupations. The Zoning By-law will specify and regulate the actual uses permitted.
- d) Additional residential units on a lot is permitted in accordance with Section 2.12 of this Plan.
- e) A garden suite on a lot is permitted pursuant to Section 8.15 of this Plan.
- f) Secondary uses may also be permitted and may include employment lands, public parks and open space. These uses will be zoned in the Zoning By-law in a manner that ensures orderly development of the hamlet and minimizes any potential conflicts with existing uses.
- g) All new development shall be connected to the municipal piped water supply system where available provided uncommitted reserve capacity exists, subject to the approval of the authority having jurisdiction.
- h) Sanitary waste shall be treated and disposed of by private on-site systems subject to having suitable site conditions for provision of on-site systems and subject to the approval of the authority(ies) having jurisdiction. Due to the presence of heavy clay soils, a larger

lot size and other additional measures beyond the normal requirements may be required to ensure the satisfactory long-term functioning of these systems. The Municipality must determine that there is sufficient reserve sewage system capacity to treat hauled sewage from individual on-site sewage services. The following table identifies the planned servicing situations for each of the individual hamlets identified on Schedule 'A' of this Plan for the time period of this Plan:

Settlement Area	Existing Water/Sewage Service	Proposed Water/Sewage Service
Wallacetown	Public Piped Water/Private Septic	Existing
Iona	Public Piped Water/Private Septic	Existing
Iona Station	Public Piped Water/Private Septic	Existing

- i) Where new development is proposed, the following criteria shall be satisfied:
- i. Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lot proposed to be used or created shall be adequate for the use being proposed. In no case shall lots be created which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
 - ii. Adjacent and surrounding land use: The proposed use shall be located and developed in a manner to ensure compatibility with existing or proposed neighbouring land uses. Where necessary or desirable, the proposed use shall be adequately buffered from neighbouring land uses by the provision of adequate setbacks and/or screening.
 - iii. Services: Existing or proposed services (in particular potable water supply, sanitary sewage treatment and disposal, solid waste disposal, electric power, and roads) shall be adequate subject to the approval authority having jurisdiction. If these services or facilities are deemed inadequate, the Municipality may require an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
 - iv. Storm drainage: Adequate provision for storm drainage and surface runoff shall

be provided. The Municipality may require the submission of a grading plan to ensure surface runoff does not adversely affect neighbouring properties.

- v. Vehicular access: Vehicular access shall be available or made available from a public highway or public road of reasonable construction and maintenance shall be subject to the approval of the authority having jurisdiction. In no case will access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection.
 - vi. Zoning: All development shall be zoned and regulated by the Zoning By-law. In no case shall lands be used, or buildings or structures erected which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
 - vii. Site plan: A site plan agreement, satisfactory to Municipality, indicating the proposed use, the building area, existence of natural features, existing land uses, neighbouring land uses, proposed ingress and egress, parking areas and layout, on-site landscaping, and services shall be required.
- j) New residential development by land severance or by infill development, which would result in the creation of a number of individual parcels of lands, will be discouraged in favour of a plan of subdivision. A plan of subdivision may be considered unnecessary in the following circumstances:
- i. Only 5 or less lots are proposed with one parcel retained and 4 severed;
 - ii. The proposed lots front on an opened, and suitably constructed public street;
 - iii. Public water supply are available off existing mains;
 - iv. The residential policies for the type of dwelling units being proposed are complied with; and
 - v. The land division policies of Section 8.3 of this Plan are complied with.

7.5 HIGHWAY COMMERCIAL

7.5.1 BACKGROUND

- a) The 'Highway Commercial' designation on Schedule 'D' of this Plan applies to a few limited areas of the Municipality, which as a result of their location and/or the existing nature of development, are considered potentially suitable for commercial uses that exhibit a strong orientation to vehicular traffic and single purpose shopping trips. The policies that follow describe the type of uses permitted in these areas and the criteria that will be used to evaluate proposals for new development, redevelopment, and expansion. The

importance of ensuring high standards of site design and maintenance is also addressed.

7.5.2 GOALS

- a) To allow for a limited amount of highway commercial development in areas considered suited for these purposes;
- b) To achieve a high standard of site development, appearance and maintenance in areas developed for highway commercial purposes; and
- c) To ensure that highway commercial development is adequately serviced so as not to create a premature need for extension of services.

7.5.3 POLICIES

- a) Within the areas designated 'Highway Commercial' on Schedule 'D' of this Plan the predominant use of land shall be for those commercial establishments that are oriented to vehicular traffic and single purpose shopping trips. These areas may also be used or developed for space extensive commercial uses that require or benefit from large land areas for building coverage, outside storage and selling space, and/or off-street parking. The actual type of uses permitted in the designated 'Highway Commercial areas will be specified in and regulated by the Zoning By-law.
- b) In view of the strategic location of the 'Highway Commercial' areas at the intersection of Currie Road (County Rd. No. 8) and Highway No. 401 in Dutton, as shown on Schedule 'D' of this Plan a high standard of site design and maintenance will be encouraged. In addition:
 - i. Open storage areas shall be prohibited unless it can be demonstrated that appropriate landscaping and screening to shield the open storage area will not detract from the intended character of the area, and further implemented in the Zoning By-law;
 - ii. loading areas will generally be restricted to those areas not facing the highway; and
 - iii. all industrial/commercial activities will be encouraged to locate within enclosed buildings unless it is essential for an activity to locate outdoors in which case the industrial/commercial use will be suitably screened and buffered from the highway.
- c) The 'Highway Commercial' lands as shown on Schedule 'D' of this Plan are in close proximity to the Highway 401 and Currie Road (County Road 8) interchange and subject to the Provincial policies established in Section 6.3 of this plan.
- d) Proposals for new development, redevelopment, and expansion in the 'Highway

Commercial' areas at the intersection of Currie Road (County Road 8 and Highway 401 in Dutton, as shown on Schedule 'D' of this Plan, shall meet the following criteria:

- i. Services and facilities: Existing or proposed services (in particular potable water supply, sanitary sewage treatment and disposal, solid waste disposal, storm and surface drainage) shall be adequate to serve the proposed development subject to the approval of the authority having jurisdiction.
 - ii. Vehicular access: Vehicular access shall be available or made available from a public road of asphalt or similar type construction subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and restricted in width. Shared access with existing or future adjacent development will be encouraged.
 - iii. Off-street parking: Adequate off-street parking shall be provided in accordance with the Zoning By-law.
 - iv. Adjacent and surrounding land use: Buffer planting and screening shall be provided to reduce or eliminate any potential conflicts with adjacent or neighbouring land uses.
 - v. Zoning: All new development, redevelopment and expansions to existing development shall comply with the Zoning By-law unless the By-law is otherwise amended or a variance granted. Lands designated 'Highway Commercial' may not be zoned as such until the Municipality is satisfied that the aforementioned criteria have been complied with.
 - vi. Site plan: A site plan, satisfactory to the Municipality, indicating the proposed use, the proposed location of all buildings and structures, accessibility for persons with disabilities or the elderly , neighbouring land use, proposed ingress and egress, parking areas layout, on-site landscaping, storm drainage provisions and services shall be required.
- e) The areas designated 'Highway Commercial' on Schedule 'A' of this Plan are more particularly described as the Highway 401 Service Centres. The Province is exempt from the application of the *Building Code Act*. The Province, before carrying out or authorizing any undertaking that the Province considers will directly affect the Municipality of Dutton Dunwich, shall consult with, and have regard for, the established planning policies of the Municipality.

7.6 INDUSTRIAL

7.6.1 BACKGROUND

- a) The 'Industrial' designation on Schedule 'D' of this Plan applies to areas of the Municipality, which as a result of their location and site characteristics are considered potentially suitable for industrial and similar type development. The area of the Municipality considered most suited for these purposes lies generally in the northerly half of Dutton, south of Highway No. 401. The policies, which follow, describe the type of uses permitted and the criteria that will be used as a basis for evaluating new development, redevelopment and expansion in these areas.

7.6.2 GOALS

- a) To increase employment opportunities within the Municipality;
- b) To allow industrial development, not necessarily related to agriculture, to establish in areas considered suited for these purposes;
- c) To achieve a high standard of site development and environmental safeguards in areas developed for industrial purposes;
- d) To ensure that industrial development is adequately serviced so as not to create a premature need for the expansion of services; and
- e) To encourage the redevelopment of brownfield sites.

7.6.3 POLICIES

- a) Within the areas designated 'Industrial' on Schedule 'D' of this Plan the predominant use of land shall be for industrial activities including the manufacturing, wholesaling, warehousing, distributing, repair and servicing and storage of goods and materials. Bulk sales establishments such as farm fuel agents, and building supply outlets and accessory uses such as offices and factory retail outlets for the sale of goods manufactured on-site, shall also be permitted.
- b) Only "dry" industrial uses shall be permitted. A dry industrial use shall be defined as a permitted use that does not require water for cooling, washing, or processing and whose subsurface sanitary sewage treatment and disposal system(s) are used for the domestic waste generated by employees. All industrial uses shall meet the requirements, and where necessary, obtain the approval of the applicable approval authority; including but not necessarily limited to the Province and/or the Southwest Public Health, as the case may be, with respect to potable water supply, sanitary sewage treatment and disposal, solid waste disposal and emissions to the atmosphere including but not necessarily limited

to noise, dust and vibration.

- c) Secondary or non-industrial uses in the designated 'Industrial' areas shall also be permitted and may include commercial and institutional uses which, due to the nature of activity they are engaged in, are compatible with industrial uses, or are not well suited or are otherwise unable to be suitably located in the 'Central Business District.' Similar types of public uses deemed compatible with industrial uses may also be permitted. The specific types of non-industrial uses will be identified and regulated by the Zoning By-law.
- d) Secondary uses will not be permitted to establish at random within the designated 'Industrial' areas but rather will be directed to locations that do not in any way detract from the area for industrial purposes.
- e) The actual type or range of uses permitted in the 'Industrial' designation will be specified in and regulated by the Zoning By-law. Those industrial uses which are likely to be noxious by reason of noise, smoke, or odour emissions or which require large areas for outside storage will be placed in a separate Zone category and restricted to locations where the adverse impacts from the emission of contaminants on residential and other sensitive uses are capable of being minimized by practicable emission controls.
- f) The Municipality will utilize its tools under the *Planning Act*, with respect to zoning, Site Plan Control, community improvement, and property standards and maintenance to regulate, guide and improve development within the 'Industrial' areas, to prevent conflicts between uses permitted within these areas, and to eliminate or effectively reduce any existing or potential conflicts with neighbouring sensitive land uses, including neighbouring 'Residential' areas as a result of impacts related to emissions, traffic, and aesthetics.
- g) Proposals for new development, redevelopment, and expansion shall meet the following criteria:
 - i. Services and facilities: Existing or proposed services (in particular potable water supply, sanitary sewage treatment and disposal, solid waste disposal, storm and surface drainage) shall be adequate to serve the proposed development subject to the approval of the authority having jurisdiction.
 - ii. Vehicular access: Vehicular access shall be available or made available from a public road of asphalt or similar type construction subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and restricted in width. Shared access with existing or future adjacent development will be encouraged. In addition, a traffic impact analysis study will be required in the 'Industrial' area south of Highway 401 in Dutton, as shown on Schedule 'D' of

this Plan for review by the Province, in order to determine the extent of highway improvements that may be required.

- iii. Off-street parking and loading: Adequate off-street parking and loading facilities shall be provided in accordance with the Zoning By-law.
- iv. Adjacent and surrounding land use: Buffer planting and screening shall be provided to minimize any potential conflicts with adjacent or neighbouring land uses. In terms of separation distance, due consideration will be given to the guidelines presented in the Province's 'Guidelines D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses' or its successor document.
- v. Zoning: All development, redevelopment and expansions to existing development shall comply with the Zoning By-law unless the By-law is otherwise amended or a variance granted. Lands designated 'Industrial' may not be zoned as such until the Municipality is satisfied that the aforementioned criteria have been complied with.
- vi. Site plan: A site plan, satisfactory to the Municipality, indicating the proposed use, the proposed location of all buildings and structures, neighbouring land uses, accessibility for persons with disabilities or the elderly, proposed ingress and egress, parking areas and layout, on-site landscaping, storm drainage provisions and servicing shall be required.
- vii. Brownfield Sites: Redesignation of, development and/or redevelopment on or adjacent to, lands where contaminants may be present will be permitted only if rehabilitation measures to address and mitigate known, or suspected, contaminants are underway or have been completed. Prior to any development activity, contaminated sites shall be remediated to acceptable soil conditions such that there will be no adverse effects. Where contamination has been identified and remediation has occurred, a 'Record of Site Condition' that is registered in the Brownfields registry shall be provided to the Municipality, prior to any development approvals being granted.
- viii. The land division policies of Section 8.3 of this Plan are complied with.

7.7 OPEN SPACE

7.7.1 BACKGROUND

- a) The 'Open Space' land use designation is shown on Schedules 'A' and 'D' of this Plan and reflects the established areas which supports the various parks and recreational needs.

7.7.2 GOALS

- a) To promote a healthy community by developing and maintaining recreational facilities, parks and open space areas; and
- b) To acquire new parks, improve existing parks and facilities and provide public parks to meet the needs of the residents.

7.7.3 POLICIES

- a) Within the areas designated 'Open Space' on Schedules 'A' and 'D' of this Plan the primary use of land shall be for public parks, conservation areas, fairgrounds, other similar outdoor recreation areas, and cemeteries. Secondary uses such as buildings, structures and parking areas accessory or complementary to the 'Open Space' areas shall also be permitted.
- b) Neighbourhood parks and playgrounds serving local needs shall not be included in the 'Open Space' designation but rather in the 'Residential' designation. They will, however, be zoned as 'Open Space' in the Zoning By-law.
- c) The Zoning By-law will specify the range of uses permitted in the designated 'Open Space' areas as well as the minimum standards which will apply to buildings and structures accessory or complementary thereto.
- d) Where lands designated as 'Open Space' are in private ownership, such designation does not imply that these lands will remain as open space nor shall it be construed as implying that these areas are free and open to the general public or will be purchased by the Municipality or any other public authority. If a proposal is made to develop any such lands and the Municipality or the appropriate public authority does not wish or is unable to purchase the lands in question for open space purposes, the Municipality may re-designate the said lands for development purposes subject to the 'Natural Heritage and Natural Hazards' policies pursuant to Section 4.1 of this Plan.
- e) The Municipality will continue to support the development and maintenance of recreation facilities; the acquisition, beautification, and maintenance of public open space; and the development of recreation programs insofar as its financial resources permit.
- f) The Municipality will attempt to ensure that adequate neighbourhood parks are provided to serve the designated 'Residential' areas.
- g) In order to acquire and develop parks and open space areas, the Municipality shall require a dedication not exceeding five percent, or cash-in-lieu, of lands being subdivided for residential purposes and not exceeding two percent, or cash-in-lieu, of lands being subdivided for commercial or industrial purposes in accordance with the *Planning Act*.

The monies received from cash-in-lieu payments may be used to purchase park and open space areas elsewhere in the Municipality.

- h) As a condition of development or redevelopment of land, the Municipality may, by by-law applicable to the whole of the Municipality or to any defined area or areas thereof, require that land in an amount not exceeding five percent of the land (or the equivalent value) proposed for residential purposes or not exceeding two percent of the land (or the equivalent value) proposed for commercial or industrial purposes, be conveyed to the Municipality for park purposes. A by-law passed for the above purposes is not applicable to a plan of subdivision approved under the *Planning Act*, if land was conveyed to the Municipality for park purposes pursuant to a condition imposed by the Province, or cash-in-lieu of such conveyance has been accepted by the Municipality.
- i) Lands proposed to be dedicated to the Municipality will be evaluated by the Municipality on the basis of the following criteria:
 - i. Accessibility to park users;
 - ii. Site characteristics and potential;
 - iii. Size and shape of parcel
 - iv. Potential for expansion
 - v. Proximity to adjacent recreation facilities and public open space;
 - vi. Development and maintenance costs.
 - vii. Natural heritage values.

7.8 PARKLAND

7.8.1 BACKGROUND

- a) The 'Parkland' designation on Schedule 'E' of this Plan applies to those land situated in Duttona Beach.

7.8.2 GOALS

- a) To protect the existing lands for purposes of establishing water wells or sanitary waste disposal tile field systems.

7.8.3 POLICIES

- a) Within the area designated as 'Parkland' on Schedule 'E' of this Plan, the primary use of land shall be for outdoor recreation purposes with the exception of camping. Buildings and structures accessory to outdoor recreation uses shall be permitted.
- b) The lands designated as 'Parkland' are in private ownership. Such designation does not

imply that these lands will remain as parkland nor shall it be construed as implying that these areas will always be free and open to the general public or will be purchased by the Municipality or any other public authority.

- c) If a proposal is made to develop any such lands and the Municipality, landowners, or the appropriate public authority does not wish or is unable to purchase the lands in question for park purposes, the Municipality may re-designate the said lands for development purposes in accordance with the policies of this Plan, including the consideration of natural heritage and natural hazard features and areas.

7.9 LAKESHORE RECREATION

7.9.1 BACKGROUND

- a) The 'Lakeshore Recreation' designation on Schedule 'A' of this Plan applies to those sections along the Lake Erie shoreline that are considered suitable for outdoor recreational uses and seasonal residential development.
- b) Seasonal residential development shall be defined as one or more single household dwellings that are not used or intended for continuous habitation or as a permanent residence.
- c) The recreation capability of the shoreline is ranked, for the most part, moderate low to moderate by the Canada Land Inventory, due in large part to the presence of high bluffs which make access to the water's edge extremely difficult. Nevertheless, the shoreline has proved to be a desired location for outdoor recreation uses, and a certain amount of residential development.
- d) Additional recreation-related development of the shoreline area is considered desirable in certain areas provided adequate protection against natural hazards, particularly shoreline and gully erosion, natural heritage features and areas, and incompatible uses, is provided for and necessary permits obtained from the CA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations.

7.9.2 GOALS

- a) To recognize the natural features and outdoor recreation resource potential of certain lands in the proximity of the Lake Erie Shoreline;
- b) To recognize the public interest in gaining access to the Lake Erie shoreline for recreational purposes without at the same time infringing on legitimate private property rights; and

- c) To discourage new non-seasonal residential development.

7.9.3 POLICIES

- a) Within the areas designated 'Lakeshore Recreation' on Schedule 'A' of this Plan the primary use of land shall be for outdoor recreation uses and activities as well as uses which are attracted by the scenic character and recreational opportunities of the area.
- b) Uses permitted include recreational campgrounds and travel trailer parks, golf courses, boating and marina facilities, tourist retail and service establishments, seasonal residential and parks and conservation areas.
- c) The following criteria shall be used to evaluate proposals for the uses permitted in areas designated 'Lakeshore Recreation' on Schedule 'A' of this Plan;
 - i. Site characteristics: Lands proposed for development should be well-drained, stable sites with inherent natural features such as tree cover, variable topography, and with appealing views. Where sites are proposed which are lacking in natural amenities and features, measures may be required to enhance the natural character of these sites. Creative site design in harmony with the natural characteristics of the lands proposed to be developed will be expected. All natural heritage features and areas will be studied in accordance with the policies of this Plan and that no negative impacts to any natural features or its associated function will be permitted. Development and site alteration shall not be permitted in areas designated 'Lakeshore Recreation' on Schedule 'A' of this Plan unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions
 - ii. Adjacent and surrounding land use: The proposed use shall be compatible with existing or proposed neighbouring land uses. Where necessary or desirable, the proposed use shall be adequately buffered from neighbouring land uses by the provision of adequate setbacks and/or screening. A minimum separation distance between the proposed use and any existing livestock operation as determined by the Minimum Distance Separation Formulae shall be required.
 - iii. Vehicular access: Vehicular access shall be available or made available from a public highway or public road (preferably a County road) of reasonable construction and maintenance shall be subject to the approval of the authorities having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection.
 - iv. Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lot

proposed to be used or created shall be adequate for the use being proposed. In no case shall lots be created which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.

- v. Services: Existing or proposed services (including methods of potable water supply, sanitary sewage treatment and disposal, solid waste disposal, electric power, and roads) shall be adequate to serve the proposed use subject to the approval of the authority having jurisdiction. If these services or facilities are deemed inadequate, the Municipality may require an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
 - vi. Storm drainage: Adequate provision for stormwater quality management, storm drainage and surface runoff shall be provided. The Municipality may require the submission of a grading plan to ensure surface runoff does not adversely affect neighbouring properties and that drainage will not adversely affect the erosion rates of the Lake Erie bluff or ravine system.
 - vii. Zoning: All outdoor recreation uses shall be zoned and regulated by the use of a separate Zone category in the Zoning By-law. In no case shall lands be used, or buildings or structures erected which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
 - viii. Seasonal residential: A seasonal residential community shall be defined as a cluster of single household dwellings that are not used or intended for continuous habitation or as a permanent residence. The provision of services such as road maintenance, fire protection, police protection, school busing shall be satisfactory for seasonal occupancy subject to the approval of the authority having jurisdiction. All dwellings must have the ability to be easily relocated away from the hazard if and when necessary e.g. structurally sound with added support such as additional I beams beneath the structure, no basements permitted.
 - ix. Site plan: A site plan, satisfactory to the Municipality and the CA, indicating the proposed building area, existence of natural features, existing land uses, neighbouring land uses, ingress and egress, parking areas and layout, on-site landscaping, and services shall be required.
- d) In addition to the criteria of Section 7.9.3 (c) of this Plan, the following specific provisions shall apply to the establishment of new or expanded campgrounds and trailer parks:
- i. Demand for additional facilities: A marketing and impact study, prepared by

suitably qualified persons, shall accompany every proposal for the establishment of a campground or trailer park or a major expansion to an existing one. The study shall demonstrate the need for the additional or expanded facility, as well as the impact of the proposed or expanded existing facility on neighbouring facilities.

- ii. Licensing by-law: The proposed facility or expanded existing facility shall be designed and developed in a manner which is capable of meeting the licensing requirements of the Municipality where such licensing by-law has been enacted.
- e) In recognition of the public interest in gaining access to Lake Erie, the Municipality will support the efforts of other government bodies to provide increased public access to the Lake. Wherever possible and practical, the Municipality may, as a condition of development, require that certain lands be reserved for public access.
 - f) Until such time as a proposal is submitted and found acceptable to the Municipality in accordance with the policies of this section, lands designated 'Lakeshore Recreation' may remain zoned Agricultural (AI) in the Zoning By-law, and the policies of this Plan which governs such zoning, namely, those of the 'Agriculture' area, shall apply as if these lands were within the 'Agriculture' area designated on Schedule 'A' of this Plan.
 - g) The lands designated as 'Specific Policy Area No. 2 - Port Talbot' on both sides of Talbot Creek in Lot 23, Lot 24 and Lot A in Concession XI and Concession XII, as shown on Schedule 'A' of this Plan, may be used for the purposes of establishing an integrated recreational-residential-resort community accessible to the general public (hereafter referred to as Port Talbot) subject to the following policies:
 - h) Prior to the passage of any implementing Zoning By-law and/or the approval of any plan of subdivision or condominium, the developer shall prepare a secondary plan(s), at the developer's cost in consultation with the Municipality, CA and affected Provincial agencies. The secondary plan(s) shall ensure that the natural heritage features are integrated and protected, that it meets the PPS, and be subject to the approval of the affected Provincial agencies and the CA, adopted by Municipal Council as an Official Plan Amendment, approved by the approval authority, and contain the following information:
 - i. Design population of the community;
 - ii. Location, type and intensity of uses;
 - iii. Method of potable water supply, sanitary sewage treatment and disposal, and stormwater quality and quantity management. Potable water supply, and stormwater quality and quantity management shall be provided by means of a publicly owned and operated water supply system. Individual on-site private

sanitary sewage treatment and disposal systems (i.e. septic tanks and tile beds) will be discouraged. The Municipality must have reserve sewage system capacity to accommodate any new development. However, the Municipality, for pockets of single-detached residential development and low wastewater generating non-residential uses where connection to the public systems is not feasible due to topographic constraints or phasing considerations, may permit them. In these instances, the developer will be required to submit supporting hydrogeological and geotechnical studies and obtain the necessary approvals from the applicable approval authority including, but not necessarily limited to, the Province and/or the Southwest Health. All stormwater quality/quantity management plans shall be subject to the approval of both the CA and the Province.

- iv. Detailed mapping of all hazardous land boundaries including preparation of a floodplain study. All such mapping and studies shall be subject to the review and advice of the CA.
 - v. Identification of all endangered species habitat, significant archaeological, historical, architectural and natural heritage resources/features as well as policies and/or measures for their protection, preservation and/or restoration. These components shall be subject to the approval of the Province.
 - vi. Detailed mapping of the boundaries of the Areas of Natural and Scientific Interest, as documented in 'A Life Science Inventory of the Talbot Creek Areas of Natural and Scientific Interest: Part 1' along with measures for their protection, subject to the approval of the Province.
 - vii. Tree saving measures for the Founders and East Woodlots subject to the approval of the appropriate authority.
 - viii. Road access to Fingal Line (County Rd. No. 16) subject to the approval of the County Engineer.
 - ix. Road standards and network plans subject to the approval of the Municipality of Dutton Dunwich.
- i) The secondary plan may be prepared in three phases subject to each phase containing the information required under clause a) above. One phase may cover lands east of Talbot Creek and south of Fingal Line (County Rd. No. 16); a second may cover lands north of Fingal Line (County Rd. No. 16); and, a third may cover lands west of Talbot Creek and south of Fingal Line (County Rd. No. 16). Any phasing of the road and servicing

plans shall be undertaken such that the phase is compatible with and able to be incorporated into the overall road and servicing system for the subject lands.

- j) All residential uses, other than single detached dwellings, shall be subject to Site Plan Control pursuant to Section 8.8 of this Plan.
- k) The land division policies of Section 8.3 of this Plan are complied with.

7.10 SEASONAL RESIDENTIAL

7.10.1 BACKGROUND

- a) This section applies to the seasonal residential community of Duttona Beach on Schedule 'E' of this Plan situated in the south half of Lot 6, Concession X on the Lake Erie shoreline.

7.10.2 GOALS

- a) To recognize the existing seasonal residential of Duttona Beach;
- b) To maintain the existing character of the area; and
- c) To protect the area from natural hazards and limit the ability of development and site alterations.

7.10.3 POLICIES

- a) Within the area designated 'Seasonal Residential' on Schedule 'E' of this Plan, the primary use of land shall be for low density cottage type dwellings (excluding mobile homes) intended for use on a four season basis. Consequently, the provision of municipal services (including but not necessarily limited to year round road maintenance and garbage collection) may be limited by the Municipality.
- b) In view of the small lot size characteristics of the area designated 'Seasonal Residential' on Schedule 'E' of this Plan and the resulting difficulty in establishing conventional on-site sanitary waste disposal systems. The Municipality may also require annual septic inspections.
- c) Where an existing dwelling has been destroyed or partially destroyed by fire or other causes, but excluding erosion, flooding or natural hazard conditions, reconstruction of the dwelling to the same basic dimensions shall be permitted provided and any necessary permits obtained from the CA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations:
 - i. The requirements of the authority having jurisdiction with respect to sanitary sewage disposal and the location of water wells are complied with;
 - ii. Reconstruction is limited to wood frame dwellings without basements or masonry

- vener in areas which may be subject to slope instability, erosion, flooding or inundation in order to facilitate the relocation of the said dwellings if required;
- iii. Greater compliance with the requirements of the Zoning By-law wherever practical and feasible is achieved.
- d) Vacation Homes and Bed and Breakfast Establishments are permitted, if the use is not located within a floodplain area or area designated 'Hazardous Lands' in this Plan;
 - e) Proposals for the erection of new or the expansion of existing cottage dwellings will be evaluated on the basis of the following and any necessary permits obtained from the CA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations:
 - i. Adequacy and availability of a potable water supply;
 - ii. Adequate methods of on-site sanitary waste disposal subject to the approval of the authority having jurisdiction;
 - iii. Compliance with the requirements of the Zoning By-law;
 - iv. Site development in harmony with the natural site characteristics and amenities (e.g. tree cover, topography, views);
 - v. Method and direction of run-off of surface drainage including potential effects on adjoining lands;
 - vi. The impact of development and site alteration on natural heritage features and areas, in accordance with the policies of this Plan;
 - vii. Approval by the CA;
 - f) The land division policies of Section 8.3 of this Plan are complied with.

7.11 CAMPING

7.11.1 BACKGROUND

- a) The 'Camping' designation on Schedule 'E' of this Plan applies to those land situated in Duttona Beach.

7.11.2 GOALS

- a) To recognize the existing seasonal camping area within Duttona Beach and
- b) To maintain the existing character of the area.

7.11.3 POLICIES

- a) Within the area designated as 'Camping' on Schedule 'E' of this Plan, the primary use of land shall be for maintaining a seasonally occupied recreational campground/trailer park

facility.

- b) All services to the users of the campground/trailer park facility in the designated 'Camping' area shall be provided at the sole risk and expense of the operator.
- c) The Municipality may, pursuant to the *Municipal Act*, pass a by-law providing for the licensing of campground/trailer park facilities. The by-law shall prescribe the conditions under which a license may be obtained and remain valid including the specific responsibilities of the operator.
- d) Any new/proposed campground/trailer park facility must meet all setback requirements from hazard land policies as established by the CA.

7.12 ENVIRONMENTAL PROTECTION

7.12.1 BACKGROUND

- a) The 'Environmental Protection' designation on Schedule 'E' of this Plan applies to those land situated in Duttona Beach.

7.12.2 GOALS

- a) To recognize the existing environmental protection lands within Duttona Beach; and
- b) To protect the lands from adjacent development and site alterations.

7.12.3 POLICIES

- a) Within the areas designated as 'Environmental Protection' on Schedule 'E' of this Plan lands are considered susceptible or potentially susceptible to flooding, erosion, inundation, or slope instability. As a result, these areas are intended to be maintained in their natural state, free and clear of any buildings or structures (other than those of a flood or erosion control nature) and used primarily for outdoor recreation purposes such as nature appreciation and beach related activities.

7.13 FUTURE DEVELOPMENT

7.13.1 BACKGROUND

- a) Lands designated 'Future Development' on Schedule 'D' of this Plan are an overlay area. The 'Agriculture' designation will continue to be the primary land use for these areas.
- b) Lands within the 'Future Development' overlay are generally undeveloped and unserviced areas that are located outside of the primary settlement area and expected to be developed within a 25 year timeframe, as services become available.
- c) Although it is recognized that these areas are intended for development in the future, it is

important that more detailed planning relating to phasing, specific configuration and location of land uses, road systems and infrastructure be undertaken prior to proceeding with any development.

- d) Updated population projection and lands needs assessment prepared by the County, as per the PPS, is required in order to include these lands within the settlement boundary, which is to be undertaken in the near future.

7.13.2 GOALS

The following goals are established for those lands within the 'Future Development' overlay on Schedule 'D' of this Plan:

- a) To recognize that the overlay designation is intended for future development to accommodate projected growth in the Municipality;
- b) To encourage and provide for future development opportunities and patterns that are orderly, sustainable, reflects current planning and engineering standards and does not place an undue financial burden on the Municipality to provide the necessary municipal infrastructure and services; and
- c) To limit the range and scale of interim land uses that are permitted until such time that more detailed planning has been undertaken for the area.

7.13.3 POLICIES

The Municipality may redesignate 'Future Development' overlay lands to alternative land use designations by amendment to this Plan. It is intended that this generally occur through the completion of a Secondary Plan.

The following policies are established for those lands within the 'Future Development' overlay on Schedule 'D' of this Plan:

- a) permitted uses in the 'Future Development' overlay will be limited and will be primarily based on those 'Agriculture' uses that exist at the time of their inclusion in the 'Future Development' overlay;
- b) the Municipality may add new 'Future Development' lands within the overlay where it has been demonstrated by the appropriate studies that additional lands are warranted to meet projected residential and/or employment needs of the Municipality;
- c) redesignation of 'Future Development' lands will require that municipal services be available or planned for the area;
- d) logical phasing of lands within the 'Future Development' overlay is necessary to ensure efficient and cost-effective physical servicing of future growth and development. Phasing

of development will be consistent with master servicing studies or other applicable servicing studies completed by the Municipality, as amended from time to time;

- e) notwithstanding the above-noted policy, it is not the intent of this Plan to extend physical services if redesignation and development of 'Future Development' lands is not expected to occur in a reasonable timeframe;
- f) approval to initiate Secondary Plans within 'Future Development' overlay will be considered on the basis of the following:
 - i. physical servicing for the area proposed for the Secondary Plan is available or planned within a reasonable time frame and be consistent with master servicing studies or other applicable servicing studies;
 - ii. the area to be planned represents a logical extension of growth for the Municipality and can be appropriately integrate existing development;
 - iii. where the 'Future Development' lands are of sufficient size to provide a complete community, incorporating a range of housing, employment uses and supportive uses such as schools, parks, neighbourhood commercial and institutional;
 - iv. the area can be adequately accessed and integrated with the existing and planned transportation network; and
 - v. consideration of the cost implications to the Municipality for the provision of physical services, transportation and community services required for development of the area.
- g) exceptions to full servicing will only be permitted with the understanding that such dwellings will connect to full urban services when available with costs of connection to be borne by the property owner and in situations where:
 - i. a new dwelling is constructed on an existing lot;
 - ii. where residential zoning existed prior to inclusion within the 'Future Development' overlay;
 - iii. the proposed use is dry in nature;
 - iv. there are no other viable options for connection to municipal servicing and full physical services are not anticipated in a reasonable timeframe;
 - v. on-site servicing will not jeopardize the provision of full municipal servicing in the future or conflict with the Municipality's long-term servicing strategy;
 - vi. the proposed on-site servicing complies with all applicable regulations and standards; and

- vii. the property owner agrees to connect to full physical services when they are available and in accordance with applicable Municipal policies regarding costs of services.

The creation of new lots will not be permitted until a Secondary Plan has been approved by the Municipality.

8.0 IMPLEMENTATION AND INTERPRETATION

8.1 GENERAL

- a) The goals and policies of this Plan shall be implemented by means of the powers conferred upon the Municipality by the *Planning Act*, the *Municipal Act*, the *Ontario Building Code Act*, the *Ontario Heritage Act*, and such other statutes as may be applicable. In particular, this Plan shall be implemented by the enactment of Zoning By-laws and property standards and occupancy by-laws, by limiting the severing of land; by the use of Site Plan Control; and community improvement programs.
- b) Changes to the policies or land use schedules of this Plan to correct grammatical, numbering or punctuation errors; or, to alter formatting or map toning, may be made by the Municipal Clerk without an amendment to this Plan.

8.2 LAND USE BOUNDARIES AND LOCATION OF PUBLIC HIGHWAYS AND ROADS

- a) The boundaries of the land use designations shown on Schedules 'A', 'B', 'C', 'D' and 'E' of this Plan are approximate except where they meet with roads, railway lines, rivers, transmission lines, lot lines or other clearly defined physical features and in these cases, are not open to interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan.

8.3 LAND DIVISION

8.3.1 GENERAL

- a) The division of land shall occur by plan of subdivision, part lot control or the consent process on the basis of the policies of this section, the underlying land use designation and the associated policies of this Plan.
- b) The division of land will only be permitted if the proposed lots conform to the policies of this Plan and comply with the provisions of the Zoning By-law which shall establish minimum lot frontages and areas in accordance with Provincial, County and municipal requirements established at the time of approval of this Plan.
- c) Where any Zoning By-Law Amendment or Minor Variance is necessary, it shall be a condition of the consent or plan of subdivision approval.
- d) The division of land is prohibited where development could occur on lands subject to

hazards related to flooding, erosion or unstable conditions or any other physical limitation as determined by the Municipality in consultation with the relevant CA.

- e) The approval authority will give consideration to requirements which may be included as part of the conditions of approval.
- f) Where the subdivision of a parcel of land is proposed, part of which is identified as 'Hazardous Lands,' then such lands may not be acceptable to the Municipality as part, or all, of the dedication requirement for public park purposes under the *Planning Act*. All lands dedicated shall be conveyed in a physical state satisfactory to the Municipality.

8.3.2 PLAN OF SUBDIVISION OR CONDOMINIUM

In considering applications for proposed plans of subdivision in all designations, except 'Agriculture', Council shall be consistent with the policies of this Plan as well as those matters outlined in Section 50(3) and 51(24) of the *Planning Act*.

Plans of subdivision will generally be required where five (5) or more lots are being proposed. Only those plans of subdivision which conform to the policies of this Plan and the requirements of the *Planning Act*, shall be recommended for approval to the County by the Municipal Council. The preferred form of lot creation will be by plan of subdivision or condominium, particularly where 1 or more of the following applies:

- a) the development requires the provision of new public roads or other municipal infrastructure (including parks and other hard services);
- b) it is necessary to ensure that the entire land holdings or area is developed in an orderly and efficient manner; and
- c) a number of studies and justification reports are required to determine the suitability of the development.

The Municipality must be satisfied that the proposed development:

- a) can use private communal sewage services and private communal water services or individual on-site sewage services and individual on-site water services and shall only be used when municipal sewage and municipal water services are not available and/or feasible;
- b) the use of partial services shall only be used where necessary to address failed individual on-site sewage services and individual on-site water services in existing development, within settlement areas, to allow for infilling and rounding out of existing development on partial services provided the following is met;
 - i. the development is within the reserve sewage and water system capacity; and
 - ii. site conditions are suitable for the long-term provision of such services.

- c) can be supplied with other municipal services such as fire protection, road maintenance, and community facilities and services;
- d) has no negative impact and designed to integrate compatibly with the transportation system, adjacent existing and planned land uses, natural heritage features, hazard land areas and cultural heritage resources;
- e) provides opportunities for healthy living, work and play, including but not limited to access to affordable housing options for people of all ages and socioeconomic status, green space and active transportation facilities; and
- f) addresses issues related to climate change, energy conservation and sustainability.

Draft approval of a plan of subdivision or plan of condominium will generally include conditions which must be satisfied prior to final approval of the Plan, including conditions that will have regard to the provision of on and off-site services and environmental impacts. Such conditions, unless extended, may be required to be satisfied within 3 years, or draft approval may be withdrawn by the Municipality.

Prior to final approval of a plan of subdivision, the owner shall be required to enter into an agreement with the Municipality and to file necessary financial securities to the satisfaction of the Municipality to ensure that conditions of approval are fulfilled.

Prior to final approval of a plan of condominium, the owner shall be required to enter into an agreement with the Municipality in accordance with the *Planning Act* or the *Condominium Act* and to file necessary financial securities to the satisfaction of the Municipality to ensure that conditions of approval are fulfilled.

8.3.3 CONSENTS

In all designations, except 'Agricultural', the Municipality shall be consistent with the policies of this Plan, to those matters outlined in Section 53 of the *Planning Act* and to the following policies;

- a) the creation of lots may only be granted for up to four (4) lots per parcel of land, exclusive of the retained lot (four (4) severed and one (1) retained);
- b) consents should be granted only when the land fronts on an existing open public road which is of a reasonable standard acceptable to the Municipality, the Province or the County or where the lands front on an existing private road or right-of-way and which satisfies all other requirements of this Plan;
- c) consents should be used to provide for infilling in existing primary and secondary settlement areas;

- d) the size of any parcel of land created by consent should be appropriate for the use proposed, considering the public services available and the soil conditions and conforms to the minimum provisions of the Zoning By-law. Notwithstanding, the consent approval authority may exercise its powers under Section 53(2) of the *Planning Act* when reviewing the appropriateness of the proposed shape, size, or configuration of any proposed lot;
- e) consents should not be granted adjacent to a road where traffic hazards due to limited sight lines on curves would be created or proximity to intersections;
- f) regard should be had to the compatibility of the proposed use with uses in adjacent areas and the potential effects of such use on the surrounding area;
- g) the division of land will only be permitted when it has been established that soil and drainage conditions for all parcels involved are suitable:
 - i. to permit the proper location of a building;
 - ii. has proper lot grading;
 - iii. to obtain a sufficient and potable water supply;
 - iv. to provide adequate means of water and sewage disposal in accordance with the provisions of this Plan; and
 - v. has access to approved drainage outlet.

8.3.4 CONSENT - AGRICULTURAL

- a) In lands designated 'Agricultural', the approval authority shall be consistent with the policies of this Plan, to those matters outlined in Section 53 of the *Planning Act* and to the following policies; The creation of new residential building lots for purposes of retiring farmers, farm family members (whether or not they are engaged in the farm operation), mobile homes, prefabricated dwellings, farm help dwellings, or for any other non-agricultural residential purpose will not be permitted with the exception of lots for purposes of disposing of surplus farm dwellings in accordance with Section 8.3.4 b) of this Plan.
- b) Consents to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted, in the 'Agriculture' designation provided:
 - i. the existing dwelling is habitable and in existence for a minimum of five years;
 - ii. the lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the approval authority, and be serviced by a potable water supply;

- iii. the lot with the surplus dwelling meets the provisions of the Minimum Distance Separation I requirements;
 - iv. the lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;
 - v. the retained agricultural lands complies with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;
 - vi. that additional residential dwelling units will be prohibited on retained agricultural parcels of land regardless of changes in property boundary or ownership. This restriction will be addressed by placing the retained lands into a Special Agricultural (A2) Zone prohibiting the construction of additional residential units;
 - vii. that a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;
 - viii. that farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred; and
 - ix. that a farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.
- c) In the past, limited residential development on small lots not related to farming has occurred within the 'Agriculture' designation. Vacant lots existing at the date of passing of the Zoning By-law may be used for the purposes of establishing a single detached dwelling provided they are capable of being serviced by an adequate water supply and on-site sanitary waste disposal systems, and provided the location of the new residence complies with the provisions of the applicable Minimum Separation Distance formula and can be located outside of 'Hazardous Land' designated areas, and outside of 'Natural Heritage and Natural Hazards' features and their adjacent lands. All existing vacant lots will require an amendment to a Rural Residential Zone in the Zoning By-law of the Municipality of Dutton Dunwich prior to being used for residential purposes.
- d) The assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted. In considering applications to divide agricultural parcels of land the Municipality shall have regard to:
- i. the need to discourage the unwarranted fragmentation of farmland;
 - ii. the agricultural capability of the land;

- iii. the type of agricultural activity engaged in and proposed to be engaged in;
 - iv. both the severed and retained parcels must be sufficiently large enough to permit flexibility in the type or size of farming operation, in order to meet changing economic conditions;
 - v. the severed and retained parcels are both suitable for the type of agriculture in the area and the farm size is appropriate to the type of agriculture proposed;
 - vi. the Minimum Distance Separation Formula I;
 - vii. the requirements of the *Planning Act*;
 - viii. the minimum farm parcel size is of 40 hectares; and
 - ix. the Municipality shall discourage severances that contravene or undermine existing, approved Nutrient Management Plans, or agreements thereto, as may be in effect pursuant to a Nutrient Management By-law.
- e) In the event a land severance is granted which does not conform to the policies of this Plan, the Municipality may appeal the decision to the Local Planning Appeal Tribunal (LPAT).

8.3.5 TECHNICAL SEVERANCES

- a) Lot adjustments are permitted in all designations for legal or technical reasons, such as for easements, correction of deeds, quit claim or boundary adjustments, which do not result in the creation of a new lot provided that:
- i. both parcels (newly consolidated lot and retained) comply with the provisions of the Zoning By-law or such Minor Variances is approved through the approval authority;
 - ii. the conveyance does not lead to the creation of an irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used;
 - iii. the consent is granted conditional to Section 50(3) or (5) of the *Planning Act*; and
 - iv. the lands being conveyed will be registered in the same name and title as the lands to which they are being added.
- b) A land severance shall only be granted for mortgage purposes where it would satisfy the appropriate policies of this Plan and the appropriate provisions of the Zoning By-law with respect to the use to which the lands would be put if the mortgage is foreclosed and separate lot created.

- c) A lot line adjustment from a farm lot to a residential lot may only be permitted if the following is demonstrated:
- i. to upgrade to a larger septic disposal system;
 - ii. accommodate the location of services such as gas, electricity and water;
 - iii. the new lot line follows a natural boundary such as a treeline, hedgerow, or waterway; and
 - iv. shall comply with the MDS Formulae.

8.3.6 PART LOT CONTROL

In accordance with the applicable provisions of Section 50 of the *Planning Act*, Council may pass a by-law exempting all or part of a plan of subdivision from part lot control to permit re-subdivision in accordance with the *Planning Act*. The exempting by-law will be in effect for a maximum of 3 years. Part lot control exemption will generally be limited to the splitting of lots upon which semi-detached or townhome dwellings are built and the re-subdivision of older plans of subdivision where no new rights-of-way have been or must be created. An application is required per block in the plan of subdivision and is to be surveyed after a foundation or building is constructed on the site. An adequate potable water supply, sanitary sewage treatment and disposal and stormwater management will be provided for each legal lot created through Part Lot Control, in accordance with the provisions of this Plan and to the satisfaction of the Municipality and the approval authority having jurisdiction.

8.3.7 DEEMING BY LAW

In accordance with the provisions of subsection 50(4) of the *Planning Act*, Council may, by by-law, deem a registered plan of subdivision not to be a registered plan and no such lands can be subdivided and conveyed except in pursuant to Section 8.3 this Plan. In existing registered plans of subdivision, re-lotting can occur through the use of deeming by-laws in conjunction with the consent process. Lots may be required to be deemed not on a plan of subdivision and consolidated with abutting lots.

8.3.8 CONDOMINIUM CONVERSION

In consultation with the County, applications for the conversion of existing developments to condominium, submitted under the *Planning Act*, will be considered, provided adequate services shall be provided. In evaluating these plans, the Municipality shall require the submission of a report by a qualified professional assessing the condition of the existing buildings and services and compliance with Building and Fire Code requirements.

8.4 COMMITTEE OF ADJUSTMENTS

The Municipal Council shall appoint a Committee of Adjustment pursuant to the *Planning Act*, to deal with minor variances to the zoning by-law(s).

8.5 ZONING BY-LAW

- a) The Zoning By-law shall zone land in accordance with the land use designations and policies contained within this Plan and will establish regulations to control the use of the land and location and use of buildings and structures.
- b) It is not intended that all the land use areas designated on Schedules 'A', 'D' and 'E' of this Plan will be zoned for such uses immediately in the Zoning By-law. Rather, the use of certain lands may be restricted until such time as demand warrants and adequate services and facilities are available.

8.6 NON-CONFORMING USES

- a) Some existing uses of land will not satisfy the land use designations and policies of this Plan. In recognition of these realities and to prevent undue hardship, these uses may be recognized as conforming uses in the Zoning By-law subject to the following requirements:
 - i. The use does not constitute a danger or a nuisance to neighbouring uses by virtue of the activity that is engaged in, or by the traffic that it generates;
 - ii. The Zoning By-law will not permit any extension or enlargement of the use if such extension or enlargement may be detrimental to neighbouring conforming uses;
 - iii. Any change of use is as, or more, compatible with the quality and character of neighbouring conforming uses than the existing use.
- b) Those existing uses of land that do not satisfy the requirements of Section 8.6 (a) of this Plan shall not be recognized as conforming uses. While these non-conforming uses should cease to exist in the long run, it may be desirable to permit their extension or enlargement where it is otherwise not feasible to acquire the use or relocate it to a more desirable location in conformity with this Plan. In these circumstances, it is intended that permission to extend or enlarge these non-conforming uses will take the following guidelines into consideration:
 - i. That the proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use particularly in regard to the policies of this Plan and the regulations of the Zoning By-law applying to the area in which the use is located;

- ii. That the proposed extension or enlargement is in appropriate proportion to the size of the non-conforming use as it existed on the date of passing of the Zoning By-law;
 - iii. That the characteristics of the non-conforming use and the proposed extension or enlargement with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation will not add essentially to the incompatibility of the use with the surrounding area;
 - iv. That neighbouring conforming uses will be protected, where necessary, by landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances caused by outside storage, manure storage or disposal, lighting, advertising signs, and other similar features. Such devices and measures shall be applied as conditions to the proposed extension or enlargement and, wherever feasible, be also extended to the existing use in order to improve its compatibility with the surrounding area;
 - v. That traffic and parking conditions in the vicinity will not be adversely affected by the extension or enlargement and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions especially in proximity to traffic intersections;
 - vi. That adequate provisions have been, or will be made, where appropriate, for off-street parking and loading facilities;
 - vii. That services such as potable water supply, sanitary sewage collection treatment and disposal, storm drainage, solid waste disposal, and roads are adequate or will be made adequate.
- c) Where the future use of the lands referred to in Section 8.6 (b) of this Plan capable of being established, these lands may be zoned for the future use intended by this Plan but restricted from actual development in accordance with the holding provisions of the *Planning Act* until such times as:
- i. A specific proposal has been submitted to the Municipality;
 - ii. The relevant policies of this Plan are satisfied with respect to the use being proposed;
 - iii. Services, where required, are of an adequate standard or have sufficient capacity to accommodate the proposed development;
 - iv. A plan of subdivision, where deemed necessary, has been submitted and has received draft plan approval;

- v. A site plan agreement pursuant to the *Planning Act*, where required, has been submitted and approved by the Municipality; and,
- vi. A satisfactory agreement, where deemed necessary, has been entered into between the Municipality and the owner/developer.

8.7 HOLDING ZONE

- a) The Zoning By-law of the Municipality of Dutton Dunwich will identify those areas where the holding provisions and the procedures for their removal will apply. In the interim, new building or structures (including extensions to existing buildings or structures) or new uses may be restricted. Uses that are compatible with neighbouring uses and in conformity with the policies and land use designations of this Plan may be permitted;
- b) The provisions for giving notice of the removal of 'Holding Symbols' will be the same as those used for giving notice of Zoning By-law Amendments in the Municipality.

8.8 SITE PLAN CONTROL

- a) The following uses and areas are described as a Site Plan Control area subject to the *Planning Act*:
 - i. Agriculturally related commercial and industrial uses in areas designated 'Agriculture' on Schedule 'A' of this Plan;
 - ii. Commercial, industrial and institutional uses existing as of the date of adoption of this Plan;
 - iii. Areas designated 'Hamlet' and 'Lakeshore Recreation' on Schedule 'A' of this Plan;
 - iv. Area within 'Dutton Boundary' on Schedule 'D' of this Plan;
 - v. Areas designated 'Camping' and 'Seasonal Residential' on Schedule 'E' of this Plan.
- b) Within Site Plan Control areas, the Municipality may require as a condition of development the provision and maintenance of facilities to provide proper vehicular access, landscaping, tree planting, parking and loading areas, grading, external lighting and other site features and the entering into agreements with respect to the same pursuant to the *Planning Act*.
- c) Within areas designated 'Hamlet' and 'Lakeshore Recreation;' Site Plan Control will not be applied to residential development.

8.9 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS

- a) A by-law to establish minimum standards of property maintenance and occupancy in order to improve, maintain and protect existing and future development of the Municipality may be enacted. The by-law may be applicable to all properties in the Municipality and may contain, among other matters, standards with respect to:
- i. Garbage disposal;
 - ii. Structural conditions of buildings;
 - iii. Services to buildings (e.g. plumbing, heating and electricity);
 - iv. Maintaining properties free from refuse and abandoned or used non-operative vehicles, trailers, boats, machinery and equipment;
 - v. Maintaining buildings, yards, lands, parking and storage areas;
 - vi. Maintaining fences, swimming pools and signs;
 - vii. Occupancy standards.
- b) Upon adoption of a property maintenance and occupancy standards by-law, the Municipality will appoint a Property Standards Officer who will be responsible for administering and enforcing the provisions of the By-law. The Municipality will also appoint a Property Standards Committee, in accordance with the provisions of the *Planning Act*, for the purpose of hearing appeals against orders of the Property Standards Officer.
- c) The measures to be used in achieving improved property maintenance may include an education and public relations program to show the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment. Complementary to the enforcement of standards on private properties, the Municipality will undertake to keep in a fit and well-maintained condition all municipally owned properties, structures, services and facilities.

8.10 REVIEW AND UPDATING OF MUNICIPAL BY-LAWS

- a) The Municipality will review its existing by-laws and will amend where necessary these by-laws or pass new ones to ensure land use activities are properly regulated and controlled in conformity with the land use designations and policies of this Plan.

8.11 PARKLAND DEDICATION

In order to acquire and develop parks and open space areas, the Municipality shall require parkland dedication or cash-in-lieu of parkland in accordance with the following policies:

- a) A dedication of five percent of land proposed for development or the equivalent cash-in-lieu, of the gross area of lands being subdivided for residential purposes.
- b) A dedication of two percent of land proposed for development or the equivalent cash-in-lieu, of the gross area of lands being subdivided for commercial and industrial purposes.
- c) Where land in a draft plan of subdivision is to be used for any use other than residential, industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of five percent of the land proposed for development.
- d) The monies received from cash in lieu payments may be used to purchase park and open space areas elsewhere in the Municipality or, for any other public recreational purpose.
- e) The Municipality may accept cash-in-lieu of the land dedication to be paid into a special account and used as specified in the *Planning Act*. Council will consider cash-in-lieu of parkland dedication under the following circumstances:
 - i. Where the required land dedication fails to provide an area of suitable shape, size or location for development as public parkland;
 - ii. Where the required dedication of land would render the remainder of the site unsuitable or impractical for development; and,
 - iii. Where it is preferable to have consolidated parkland of a substantial size servicing a wide area.
- f) Where new development or redevelopment is proposed on a site, part of which has physical limitations or hazards, then such land shall not necessarily be acceptable as part of the land dedication under the *Planning Act*. All land dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality, and shall meet minimum standards in terms of drainage, grading and general condition.

8.12 OFFICIAL PLAN AMENDMENTS, REVIEW, AND MONITORING

- a) Amendments to this Plan will be considered in response to changing circumstances within or affecting the Municipality, the issuance of policies and guidelines by senior levels of government which may have a bearing on existing uses or the future development of the Municipality, and in response to specific applications by interested parties.
- b) Any proposals must demonstrate site suitability in accordance with the policies of Section 2.2 of this Plan.
- c) Council shall undertake a review of this Plan approximately every five years after the Official Plan comes into effect, hold a special meeting open to the public and revise the

plan, as required, in accordance with the requirements of the *Planning Act*. The revisions shall ensure that this Plan conforms with the PPS, has regard to matters of provincial interest, and is consistent with the PPS issued under the *Planning Act*.

- d) Council may initiate amendments to this Plan to address any of the following circumstances:
 - i. Council has determined that the assumptions and conditions on which policies were based have changed to the extent that the policies are no longer appropriate;
 - ii. Existing policies have been refined through further study.
- e) Council shall monitor the continued relevance of the policies and objectives of this Plan to identify the need for amendment or review.
- f) Any proposal to expand the settlement areas as shown on the land use schedules will only be considered as a result of a comprehensive Official Plan review.

8.13 SETTLEMENT AREA EXPANSIONS

- a) Settlement area expansions may only be considered at the time of a comprehensive review as set out in the PPS and the COP.
- b) The Municipality may permit adjustments of settlement area boundaries outside of a comprehensive review, based on criteria, as set out in the PPS and the COP, including:
 - i. there is no net increase in land within the settlement areas;
 - ii. the adjustment would support the Municipality's ability to meet intensification and redevelopment targets established by the Municipality;
 - iii. the lands are not considered a specialty crop area as defined by the PPS and there are no reasonable alternatives which avoid prime agricultural areas; and
 - iv. the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

8.14 EMPLOYMENT AREA CONVERSIONS

- a) Proposals to convert lands within employment areas to non-employment uses may be permitted and will be reviewed through a comprehensive review as set out in the PPS and the COP, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- b) Notwithstanding Section 8.14 a) of this Plan, and until an official plan review or update is undertaken and completed, land within existing employment areas may be converted to

a designation that permits non-employment uses, provided the area has not been identified as provincially significant by the regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- i. there is an identified need for the conversion and the land is not required for employment purposes over the long-term;
- ii. the proposed uses would not adversely affect the overall viability of the employment area; and
- iii. existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

8.15 TEMPORARY USE BY-LAWS

- a) Notwithstanding the policies of the 'Agriculture,' 'Restricted Agriculture,' 'Aggregate Resources,' 'Hamlets,' 'Highway Commercial,' 'Lakeshore Recreation,' 'Residential,' 'Industrial,' and 'Central Business District' designations, the municipality may pass Temporary Use By-laws pursuant to the *Planning Act*, to authorize the uses as established in Section 8.15 (e) of this Plan.
- b) As a general rule, the municipality will not allow the establishment of temporary residential uses in the 'Mineral Aggregate Resources,' 'Highway Commercial,' or 'Industrial' designations. And for further clarity, a garden suite shall not be deemed to conform to this Plan and designations for 'Mineral Aggregate Resource', 'Highway Commercial', and 'Industrial' uses.
- c) Temporary Use By-laws may be passed to allow land, buildings or structures, to be used for a period of time which shall not exceed twenty years from the date of the passing of the By-law for a garden suite, or a maximum of three years from the date of passing of the Temporary Use By-laws for all other uses.
- d) Council may grant further periods of time, not more than three years each, during which the temporary use may be permitted. Upon the expiration of the time period(s) authorized by the By-law, the uses, buildings and structures that were permitted under the By-law cannot be continued as legal non-conforming uses, buildings or structures.
- e) Temporary Use By-laws may be passed for temporary periods, the length of which shall be determined by Municipal Council in accordance with the provisions of the *Planning Act*, to allow the establishment of:

- i. A residential dwelling, mobile home or park model home in conjunction with a farm operation intended as a supplementary dwelling for farm labourers;
 - ii. A residential dwelling, mobile home or park model home for a family member, including but not limited to an elderly, convalescent or challenged family member who is related to a resident of a permanent dwelling on the same property. Without limiting the generality of the foregoing, such temporary residential accommodation may include a garden suite;
 - iii. A residential dwelling, mobile home or park model home where one is required on a temporary basis, provided the property owner enters into an agreement and a security taken to determine when the original residence will be removed; and
 - iv. A mobile home or travel trailer to be used as a site office, or for accommodation for a caretaker or watchman during a large construction project.
- f) Municipal Council will use the following criteria in the evaluation of applications for Temporary Use By-laws:
- i. That the proposed use is temporary in nature and will not preclude the future development or use of the site, for uses permitted by the Zoning By-law, nor will the use be difficult to terminate when the authorizing By-law expires;
 - ii. That the proposed use is not incompatible with adjacent land uses, and Council shall consult with property owners and any other agencies or individuals who might have knowledge of when conditions might suit the development of the property, in accordance with this Plan and Zoning By-law, prior to enacting a Temporary Use By-law;
 - iii. That the site has satisfactory and approved vehicular access to a public road and parking required by the proposed use is provided on site; and
 - iv. That the temporary use will be evaluated in terms of the proposed servicing, and that the use will not create or increase any servicing problems on or off the site.
- g) Municipal Council may require a legal agreement between the property owner and the municipality in accordance with the *Planning Act* and the *Municipal Act* in order to regulate the placement of a temporary residential use within a self-contained, freestanding structure. The agreement should be registered on the property title and may address:
- i. The appearance of the temporary dwelling, including how it is designed and constructed;
 - ii. How the temporary dwelling is to be maintained;
 - iii. The name of the person who is to live in the temporary dwelling; and

- iv. When the temporary dwelling is to be removed (for example, when the occupant moves out, or when the temporary use by-law expires).
- h) The agreement may also require the owner of the property to post a bond, to ensure compliance with the terms of agreement.

8.16 COMPLETE APPLICATION REQUIREMENTS

- a) 8.13.1 The Municipality may refuse to accept any request to amend this Plan or the Zoning By-law or an application for plan of subdivision or condominium approval or an application for consent or minor variance approval, or an application for Site Plan Control approval, unless it is supported by:
 - i. Confirmation that pre-consultation with municipal planning staff and appropriate commenting agency staff has occurred.
 - ii. The prescribed information and material as required under the *Planning Act*.
 - iii. Information and material including support studies deemed necessary by the Municipality for the evaluation of a particular application request. The information and material deemed necessary by the Municipality will be:
 - 1. Determined during pre-consultation with municipal and agency staff; and
 - 2. consistent with the goals and policies of this Plan, and the COP.
- b) 8.13.2 The Municipality will, after receiving a request to amend this Plan or the Zoning By-law or an application for plan of subdivision approval or an application for consent, provide a Notice of Complete Application to the applicant, confirming that the application(s) is complete or indicate what additional information and material is required in accordance with the *Planning Act*.

8.17 SUPPORTING STUDIES

- a) In addition to the requirements noted elsewhere in this Plan, the Municipality may require support studies to be submitted as part of a complete application that:
 - i. identifies and assesses the environmental and natural heritage features, including their ecological functions that may be impacted by the proposed development and/or change in land use and ensure that any adverse impacts are mitigated; and
 - ii. demonstrates how the proposed development and/or change in land use is consistent with the PPS, meets the requirements of this Plan, conforms to any Provincial Plans that are in effect, and provides an integrated approach to land

use planning.

- b) The following policies provide guidance for some of the supporting studies that may be required:
- i. supporting studies may be required as part of the development and infrastructure approval process or as a part of a more detailed planning study. The need and the timing of support studies will be determined by the Municipality at the pre-consultation meeting on a site or area specific basis;
 - ii. where a supporting study is required, such a study shall be prepared having regard to other provisions of this Plan, federal and provincial legislation, policies and appropriate guidelines;
 - iii. all supporting studies shall be prepared by qualified professionals to the satisfaction of the Municipality and where appropriate, in consultation with relevant public agencies and affected parties;
 - iv. a public participation program may be established as part of the preparation of a supporting study to allow interested or affected parties to participate in the process;
 - v. all relevant mitigation recommendations included in a supporting study shall be considered as a condition of approval to be implemented by the proponent of a development; and
 - vi. council may adopt a supporting study by resolution.
- c) The following represents a list of supporting studies that the municipality may require as part of the development and infrastructure approval process:
- i. Affordable Housing Report
 - ii. Aggregate Potential Assessment and/or Aggregate License Compatibility Assessment
 - iii. Aggregate Studies (related to/and in compliance with the requirements of the Province's license, for new and expansion to existing pits and quarries)
 - iv. Agricultural Impact Assessment which may include, but would not be limited to: MDS analysis, impacts on soil quality, drainage impacts, mitigation efforts (i.e. berming or vegetative screening), analysis to develop on lower priority agricultural land, etc.
 - v. Archaeological Assessment
 - vi. Architectural/Cultural Heritage Impact Assessment
 - vii. Cost/Benefit Analysis Study

- viii. Conceptual Site Plan
- ix. D-4 Landfill Study
- x. Environmental Impact Assessment
- xi. Fisheries Impact/Marina Impact Study
- xii. Flooding, Erosion, Slope Stability Reports including Coastal Engineering Studies
- xiii. Functional Servicing Report
- xiv. Geotechnical/Soil Stability Study
- xv. Hydrogeological Study/Hydrology Study
- xvi. Illumination Study
- xvii. Market Impact Assessment
- xviii. Master Drainage Plan/Site Specific Grading & Drainage Plan
- xix. Master Servicing Study/Servicing Options Report
- xx. Noise and/or Vibration Study
- xxi. Odour/Dust/Nuisance Impact Analysis Study
- xxii. Overshadowing Study/Plan
- xxiii. Planning Justification Report
- xxiv. Stormwater Management Plan
- xxv. Traffic Impact Study
- xxvi. Tree Preservation & Removal Study/Plan
- xxvii. Urban Design Study
- xxviii. Water Conservation Plan
- xxix. Watershed/Subwatershed Plan
- xxx. Wellhead Protection Area – Risk Assessment Report
- xxxi. Any other study the Municipality deems necessary to evaluate a development application

8.18 PUBLIC NOTIFICATION PROCEDURES

- a) Prior to the Municipality adopting an amendment to this Plan or approving a Zoning By-law, it shall provide adequate information to such boards, indigenous communities, agencies or commissions that may have an interest and to the general public pertaining to the application and at the scheduled public meeting and/or meetings. Such information, notices and public meetings shall be in accordance with the provisions of the *Planning Act*.