

MUNICIPALITY OF CENTRAL ELGIN OFFICIAL PLAN

ADOPTED BY COUNCIL: February 21, 2012

APPROVED WITH MODIFICATIONS: February 8, 2013

OFFICE CONSOLIDATION – MARCH 2013

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Official versions of all Official Plan Schedules (maps) and related information can be obtained from the Municipality of Central Elgin by calling 519-631-4860, or the Central Elgin Planning Office at 519-633-2560.

*Prepared by the Central Elgin Planning Office
and Dillon Consulting Limited*





The Corporation of the Municipality of

Central Elgin

BY-LAW 1427

Being a By-law to Adopt an Official Plan for The Corporation of the Municipality of Central Elgin

THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN ENACTS AS FOLLOWS:

WHEREAS the Council of the Corporation of the Municipality of Central Elgin in a accordance with the provisions of Sections 16 and 17 of the *Planning Act*, R.S.O. 1990, Chapter P. 13 as amended hereby enacts as follows:

AND WHEREAS Section 16 of the *Planning Act*, R.S.O. 1990, c. P. 13 authorizes a Municipality to pass a By-law to enact an Official Plan for the Municipality with respect to the goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment of the Municipality or part of it.

AND WHEREAS the Corporation of the Township of Yarmouth, the Corporation of the Village of Port Stanley with the Corporation of the Village of Belmont amalgamated as the Municipality of Central Elgin pursuant to an Order made under the *Municipal Act*, R.S.O. 1990, c. M-45.

AND WHEREAS pursuant to the terms of the amalgamation, any Official Plan of the former Municipalities of the Township of Yarmouth, the Village of Port Stanley, and the Village of Belmont approved under the *Planning Act*, or a predecessor of that Act was deemed to be a By-law or Official Plan of the new Municipality and shall remain in force until amended or repealed.

AND WHEREAS the Municipality of Central Elgin may adopt an Official Plan to the extent it applies to the annexed area for the Township of Southwold being all of Lots 15 to 25 inclusive lying west of Main Street and/or Plank Road and North of Durham Street all as shown on Plan 20 for Middlesex; however, was not authorized to amend or repeal By-laws with respect to the Township of Southwold:

- (a) (i) that were passed under Section 34 or 41 of the *Planning Act* or a predecessor of those sections;

- (ii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways, which shall remain in force until repealed by the Council of the new Municipality of Central Elgin.
- (b) By-laws of the Township of Southwold passed under Section 45, 58, or 61 of the *Drainage Act* or a predecessor of those sections; and
- (c) By-laws conferring rights, privileges, franchises, immunities, or exemptions that could not have been lawfully repealed by the Council of the Township of Southwold.

AND WHEREAS certain lands have been annexed by the Municipality of Central Elgin or to its predecessors from the Township of Southwold and/or the City of St. Thomas being:

- (a) Part of Lot 13, Range 1, South of Lake Road, designated as Part 1, Reference Plan 11R-7188 and Part 1, Reference Plan 11R-6966, Township of Southwold, County of Elgin,
- (b) those lands in the Township of Southwold, County of Elgin being part of the public highway known as Lake Line designated as Part 1, Plan 11R-6934 and those lands in the Township of Southwold, County of Elgin being Part of Clergy Reserve Lot "D" North of the Lake Road and Part of James Begg Lots 14 and 15, Registered Plan No. 20 (Middlesex) and Part of Road Allowance between Lots 14 and 15 North of the Lake Road and all of Lot "T", Registered Plan No. 39 designated as Part 1, Plan 11R-6989,
- (c) Part of Block A and Part of Crescent Avenue as shown on Plan 144 Registered in the Registry Office for Registry Division of Elgin (11), Part of Lot 1, Concession 9, Geographic Township of Yarmouth, Part of the road allowance between Concession 8 and 9 adjacent to Lot 1, Geographic Township of Yarmouth, and part of the road allowance between the Geographic Township of Yarmouth and Southwold, Municipality of Central Elgin, County of Elgin, commencing at a point in the most south westerly angle of the lands designated as Part 1 on the plan attached to Instrument 399051 Registered in the Registry Office for the Registry Division of Elgin (11), said point being in the centerline of the road allowance between the Geographic Townships of Yarmouth and Southwold, Thence northerly along the westerly limit of the lands designated as Part 1 on the plan attached to said Instrument 399051, being also the centerline of the road allowance between the Geographic Townships of Yarmouth and Southwold, to a point in the most northwesterly angle of the lands designated as Part 1 on the plan attached to said Instrument 399051,

Thence southeasterly along the northerly limit of the lands designated as Part 1 on the plan attached to said Instrument 399051, to a point in the easterly limit of the road allowance between the Geographic Townships of Yarmouth and Southwold, Thence northerly along the easterly limit of the road allowance between the Geographic Townships of Yarmouth and Southwold to a point, said point being in the northerly limit of the lands outlined in red and designated as required for the purposes of the Department on Plan D-445 registered in the Registry Office for the Registry Division of Elgin (11), Thence easterly along the northerly limit of the lands outlined in red and designated as required for the purposes of the Department on Plan D-445 registered in the Registry Office for the Registry Division of Elgin (11) to a point in the westerly limit of said Crescent Avenue, said point being in the northerly limit of the lands designated as Part 2 on the plan attached to said Instrument 399051, Thence easterly, northerly, northeasterly, southeasterly, northerly, and easterly following the limits of the lands designated as Part 2 on the Plan attached to said Instrument 399051 to a point in the left-hand bank of Kettle Creek facing downstream, prior to its diversion in 1958, said point being in the Municipal boundary between the City of St. Thomas and the Municipality of Central Elgin, Thence southerly, southwesterly, westerly, northwesterly, westerly and southerly along the left-hand bank of Kettle Creek facing downstream, prior to its diversion in 1958, and being coincident with the limits of the lands designated as Part 2 on the plan attached to said Instrument 399051, to a point in the north limit of the lands designated as Part 1 on the plan attached to said Instrument 399051, Thence southerly, southwesterly, and westerly along the left-hand bank of Kettle Creek facing downstream, prior to its diversion in 1958, and being coincident with the limits of the lands designated as Part 1 on the plan attached to said Instrument 399051, to the point of commencement and in each instance, such lands have continued to be subject to the Official Plan for the Township of Southwold or the City of St. Thomas as the case may be.

AND WHEREAS the Municipality wishes to update the Official Plan for the Municipality to ensure consistency with Provincial policy and having regard to matters of Provincial interest.

NOW THEREFORE the Council of the Municipality of Central Elgin enacts as follows:

1. The consolidated Official Plan for the Central Elgin Planning Area (approved by the Ministry of Municipal Affairs and Housing on the 8th day of November, 1979 and subsequently amended) having been recommended for repeal by the Central Elgin Planning Board, is hereby repealed.

2. The consolidated Official Plan for the Central Elgin Planning Area (approved by the Ministry of Municipal Affairs and Housing on the 8th day of November, 1979 and subsequently amended) being passed as By-law 91-4 for the Village of Belmont, By-law 2476 for the Village of Port Stanley, and By-law 2907 for the Township of Yarmouth, having been recommended for repeal by the Central Elgin Planning Board, is hereby repealed.
3. The Official Plan for the Township of Southwold and/or the City of St., Thomas, as it affects those lands annexed by the Municipality of Central Elgin being:
 - (a) Part of Lot 13, Range 1, South of Lake Road, designated as Part 1, Reference Plan 11R-7188 and Part 1, Reference Plan 11R-6966, Township of Southwold, County of Elgin,
 - (b) those lands in the Township of Southwold, County of Elgin being part of the public highway known as Lake Line designated as Part 1, Plan 11R-6934 and those lands in the Township of Southwold, County of Elgin being Part of Clergy Reserve Lot "D" North of the Lake Road and Part of James Begg Lots 14 and 15, Registered Plan No. 20 (Middlesex) and Part of Road Allowance between Lots 14 and 15 North of the Lake Road and all of Lot "T", Registered Plan No. 39 designated as Part 1, Plan 11R-6989,
 - (c) Part of Block A and Part of Crescent Avenue as shown on Plan 144 Registered in the Registry Office for Registry Division of Elgin (11), Part of Lot 1, Concession 9, Geographic Township of Yarmouth, Part of the road allowance between Concession 8 and 9 adjacent to Lot 1, Geographic Township of Yarmouth, and part of the road allowance between the Geographic Township of Yarmouth and Southwold, Municipality of Central Elgin, County of Elgin, commencing at a point in the most south westerly angle of the lands designated as Part 1 on the plan attached to Instrument 399051 Registered in the Registry Office for the Registry Division of Elgin (11), said point being in the centerline of the road allowance between the Geographic Townships of Yarmouth and Southwold, Thence northerly along the westerly limit of the lands designated as Part 1 on the plan attached to said Instrument 399051, being also the centerline of the road allowance between the Geographic Townships of Yarmouth and Southwold, to a point in the most northwesterly angle of the lands designated as Part 1 on the plan attached to said Instrument 399051, Thence southeasterly along the northerly limit of the lands designated as Part 1 on the plan attached to said Instrument 399051, to a point in the easterly limit of the road allowance between the Geographic Townships of Yarmouth and Southwold,

Thence northerly along the easterly limit of the road allowance between the Geographic Townships of Yarmouth and Southwold to a point, said point being in the northerly limit of the lands outlined in red and designated as required for the purposes of the Department on Plan D-445 registered in the Registry Office for the Registry Division of Elgin (11), Thence easterly along the northerly limit of the lands outlined in red and designated as required for the purposes of the Department on Plan D-445 registered in the Registry Office for the Registry Division of Elgin (11) to a point in the westerly limit of said Crescent Avenue, said point being in the northerly limit of the lands designated as Part 2 on the plan attached to said Instrument 399051, Thence easterly, northerly, northeasterly, southeasterly, northerly, and easterly following the limits of the lands designated as Part 2 on the Plan attached to said Instrument 399051 to a point in the left-hand bank of Kettle Creek facing downstream, prior to its diversion in 1958, said point being in the Municipal boundary between the City of St. Thomas and the Municipality of Central Elgin, Thence southerly, southwesterly, westerly, northwesterly, westerly and southerly along the left-hand bank of Kettle Creek facing downstream, prior to its diversion in 1958, and being coincident with the limits of the lands designated as Part 2 on the plan attached to said Instrument 399051, to a point in the north limit of the lands designated as Part 1 on the plan attached to said Instrument 399051, Thence southerly, southwesterly, and westerly along the left-hand bank of Kettle Creek facing downstream, prior to its diversion in 1958, and being coincident with the limits of the lands designated as Part 1 on the plan attached to said Instrument 399051, to the point of commencement is hereby repealed.

4. By-law Numbers 199, 309, 599, 836, 2729, 2998 of the Village of Port Stanley or its successor, the Municipality of Central Elgin, 124, 197, 305, 334, 426, 475, 880, 986, 1379, 3023, 3024, 3060, 3098, 3116, 3139, 3255, 3260, 3299, 3333, 3442, 3499, 3516 of the Township of Yarmouth or its successor, the Municipality of Central Elgin, 93-14, 97-7, 124, 307, 708, 834, 1090, and 1252 of the Village of Belmont, or its successor, the Municipality of Central Elgin are hereby repealed.

5. The attached schedules and Explanatory Text constituting the Official Plan for the Municipality of Central Elgin is hereby adopted.

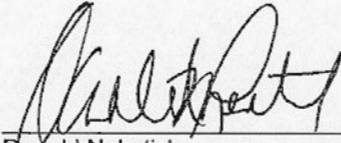
6. The Clerk is hereby authorized and directed to make Application to the Ministry of Municipal Affairs and Housing for the approval of this repeal and the approval of the new Official Plan for the Municipality of Central Elgin.

7. This By-law shall not come into force or take effect until the new Official Plan is approved by the Ministry of Municipal Affairs and Housing.

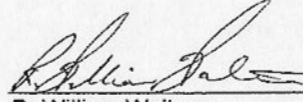
Enacted and passed this 21st day of February, 2012.

READ a FIRST, and a SECOND TIME this 21st day of February, 2012.

READ a THIRD TIME and FINALLY PASSED this 21st day of February, 2012.



Donald N. Leitch
Chief Administrative Officer/Clerk



R. William Walters
Mayor

Certified that the above is a true copy of By-Law No. 1427 as enacted and passed by the Council of the Corporation of the Municipality of Central Elgin on February 21st, 2012.

Donald N. Leitch
Chief Administrative Officer/Clerk

Ministry of
Municipal Affairs
and Housing

Municipal Services Office -
Western

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March 1, 2013

Mr. Donald N. Leitch, C.A.O./Clerk
Municipality of Central Elgin
450 Sunset Drive
St. Thomas, ON N5R 5V1

Subject: **Status of the Decision on the Official Plan
for the Municipality of Central Elgin
Our File No.: 34-OP-4015**

Dear Mr. Leitch:

This letter is further to the Notice of Decision given on February 8, 2013 pursuant to subsections 17(34) and (35) of the *Planning Act* with respect to the approval of the Official Plan for the Municipality of Central Elgin.

It is intended to provide you with the status of the decision on the Plan pursuant to subsections 17(36) and (38) of the *Planning Act* which pertain to appeals, when decisions become final and when approvals come into effect.

Please be advised that no appeals have been lodged within the 20 day appeal period, and therefore all of the Official Plan, adopted by By-law No. 1427, and as modified by the Ministry, is approved and came into force on February 8, 2013.

If you have any questions regarding the above information, please contact Tammie Ryall, Planner, by telephone at 519- 873-4031 or by email at tammie.ryall@ontario.ca.

Yours truly,

Bruce Curtis, MCIP, RPP
Manager, Community Planning and Development
Municipal Services Office - Western

Copy: Jim McCoomb, Planner, Central Elgin Planning Office
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Amanda McCloskey, MNR
Drew Crinklaw, OMAFRA
Heather Doyle, MTO
Joe Gordon, KCCA
Tony Difazio, CCCA

SWORN DECLARATION

Subsection 17(28) of the Planning Act

Official Plan for the Municipality of Central Elgin

Applicant: Central Elgin
Municipality: Central Elgin

MMAH File No.: 34-OP-4015

I, Tammie Ryall, of the Ministry of Municipal Affairs and Housing, solemnly declare,

1. That notice of the proposed decision in respect of the above-noted matter made on February 8, 2013 was given as required by subsection 17(35) of the *Planning Act* on February 8, 2013.
2. That no appeal to the Ontario Municipal Board of the decision in respect of the above-noted matter made on February 8, 2013 was received under subsection 17(36) of the *Planning Act* within the time specified for submitting an appeal.

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

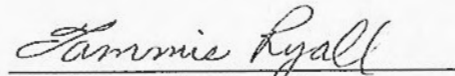
Declared before me

at the City of London

this 15th day of MARCH, 2013.



Commissioner of Oaths



Declarant

BRUCE EDWARD CURTIS, a Commissioner, etc.,
County of Middlesex, for the Government of Ontario,
Ministry of Municipal Affairs and Housing.
Expires September 25, 2015.

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1.0 INTRODUCTION

1.1 THE MUNICIPALITY OF CENTRAL ELGIN

The Municipality of Central Elgin (hereafter referred to as "Central Elgin") was formally established effective January 1, 1998 through an Order made under the *Municipal Act R.S.O. 1990* and signed by the Minister of Municipal Affairs and Housing on May 15, 1997. The Township of Yarmouth, Village of Belmont and Village of Port Stanley were amalgamated and a small piece of the Township of Southwold was annexed to create the new Municipality of Yarmouth/Port Stanley/Belmont which was subsequently renamed the Municipality of Central Elgin. The Order, which set out the organizational and administrative structure of Central Elgin, stipulated that the existing Official Plans of the former Township of Yarmouth, Village of Port Stanley and Village of Belmont, as well as the Township of Southwold, would remain in force on the corresponding lands in Central Elgin until they were repealed and replaced by a new Official Plan for the amalgamated municipality. The Municipality has prepared this Official Plan to replace the former Official Plans and provide guidance for land use and development for the 20 year planning period.

1.2 BASIS FOR THE OFFICIAL PLAN

The basis for the Official Plan (the Plan) is as follows:

- This Plan has been prepared in accordance with the *Planning Act*, with extensive public consultation. This Plan establishes the goals, objectives and policies to manage and direct physical change within Central Elgin in a sustainable manner.
- This Plan has also been prepared to replace the three former Official Plans.
- The Plan is consistent with Provincial policies issued under Section 3 of the Planning Act. The Plan has been developed within the context of the 2005 Provincial Policy Statement (PPS).
- The Plan is based on a 20-year planning horizon to the year 2029.
- The Plan has been prepared based on comprehensive background studies including:
 - Population, Housing and Employment Projections
 - Residential Intensification Analysis
 - Affordable Housing Analysis
 - Commercial Market Analysis

1.3 APPROACH

The Plan has several interrelated components and policies that must be read together in order to determine the impact on land within Central Elgin. The Plan has been prepared to achieve the following objectives:

- Consistency with Provincial Policy;

- Promotion of sustainable development;
- Promotion of sound environmental policies and decisions;
- Ensuring transparency and accountability in governance; and
- Fostering fiscal responsibility.

1.4 ORGANIZATION

The Plan is organized into the following Sections:

Section 1: **Introduction** – this Section provides the basis upon which the Plan was prepared. It is not considered an operative part of the Plan because it does not provide policy direction.

Section 2: **Building a Strong Central Elgin** – this Section encourages sustainable land use decisions based on the accommodation of future populations and employment growth, the protection of Central Elgin's agricultural resources; environment; and public health and safety. The policies of this section establish the land use structure and directions on the provision of housing; built environment, cultural and archaeology; recreation and leisure; public service facilities and infrastructure; energy; long term economic development; and accessibility.

Section 3: **Environment** – this Section sets out policies to provide for the protection and sustainability of the natural environment and resources. It also contains policies designed to protect public health and safety from natural hazards and human-made hazards.

Section 4: **Land Use** – this Section provides the detailed land use policies that guide the physical development within Central Elgin.

Section 5: **Implementation of the Plan** – this Section establishes the procedures and tools to implement the policies of the Plan.

Schedules: The Schedules form part of the Plan. A complete listing of the Schedules to this Plan is found following Section 5.

1.4.1 Application of Policies

The policies contained within each Section are meant to be read together with, and be complimentary to, the other policies of the Plan. Any particular policy is not intended to be applied in isolation of the balance of policies that make up this Plan.

2.0 BUILDING A STRONG, SUSTAINABLE CENTRAL ELGIN

The policies in this section work in conjunction with the other sections of this Plan to encourage sustainability by promoting land use change by directing where and how Central Elgin will accommodate population and employment growth, while ensuring the protection of Central Elgin's:

- Agricultural resources;
- Environment and natural heritage features; and
- Public health and safety over the planning horizon.

Sustainability is commonly defined as - *An economic, social, and environmental concept that involves meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

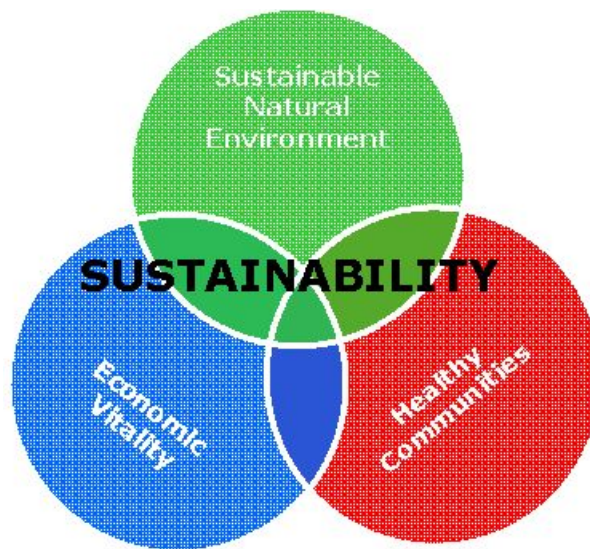


Figure 1: Scheme of sustainability model.

This Section provides policies related to:

- Land Use Structure of Central Elgin
- Housing
- Built Environment, Cultural and Archaeology
- Recreation and Leisure
- Energy Conservation
- Natural Environment
- Public Service Facilities and Infrastructure
- Long Term Economic Development
- Coordination of Planning Activities
- Accessibility

2.1 LAND USE STRUCTURE

The Municipality of Central Elgin encompasses an area that includes both urban and rural components, which is a result of municipal restructuring and historic settlement trends. The urban components include Urban Settlement Areas, Rural Settlement Areas and Employment Areas. The rural component largely comprises the Agricultural Area, and includes the Rural Development Areas.

Goals

- To create sustainable communities by providing a full range and mix of housing, economic and recreational needs, while preserving the environment;
- To foster a thriving economy;
- To efficiently use existing infrastructure;

2.1.1 Urban Settlement Areas

There are six Urban Settlement Areas in Central Elgin, being the Communities of Belmont, Port Stanley, Eastwood Subdivision, Lynhurst, Norman-Lyndale and Union. Their locations are illustrated on Schedule 1 – Land Use Structure. The Urban Settlement Areas either have full municipal services or are serviceable. It is anticipated that there is sufficient land to accommodate the projected population growth and development within the 20-year planning horizon.

Goals

- To provide the major focus for sustainable urban development activity in the Municipality.
- To provide sufficient designated and serviced lands to accommodate the projected 20-year growth requirements of the Municipality.
- To provide commercial, community and park facilities to serve the needs of the residents of Central Elgin.
- To encourage a compact urban form and a mix of uses that support cost effective and sustainable utilization of infrastructure and public services.

2.1.1.1 Urban Settlement Areas - Policies

- a) The Urban Settlement Areas will be the focus of urban growth in Central Elgin.
- b) Detailed land use plans and policies for guiding growth and development within each Urban Settlement Area are contained in Section 4.0 of this Plan.
- c) Growth and development will also conform to any applicable general policies contained in this Plan.
- d) Expansions to an Urban Settlement Area boundary will only be considered at the time of a comprehensive review of this Plan, in accordance with the policies contained in Subsection 5.1.3.

2.1.2 Rural Settlement Areas

There are three Rural Settlement Areas in Central Elgin, being the Communities of New Sarum, Orwell and Sparta. Their locations are illustrated on Schedule 1 – Land Use Structure. The Rural Settlement Areas are either unserviced or have partial services. They have traditionally functioned as service centres for the surrounding rural areas, and have developed unique characteristics that should be preserved. New growth is not being allocated to the Rural Settlement Areas, with the exception of limited opportunities for infilling in accordance with the policies of this Plan.

Goals

- To recognize existing concentrations of predominantly rural residential development within the Municipality.
- To support the sustainability of the Agricultural Area by providing commercial, community and industrial facilities that support local needs and those of the surrounding agricultural community.
- To discourage Rural Settlement Area growth, thereby reducing the potential for land use conflicts with the agricultural area.
- To ensure that new development can be serviced in accordance with the policies of this Plan.

2.1.2.1 Rural Settlement Areas - Policies

- a) Detailed land use plans and policies for guiding growth and development within each Rural Settlement Area are contained in Section 4.0 of this Plan.
- b) Development in Rural Settlement Areas may occur by consent unless in the opinion of Central Elgin, it is in the public interest that a plan of subdivision is necessary.
- c) Proposed development will also conform to any applicable general policies contained in this Plan.
- d) Expansions to Rural Settlement Area boundaries will only be considered at the time of a comprehensive review of this Plan, in accordance with the policies contained in Subsection 5.1.3.

2.1.3 Employment Area

The Employment Area promotes a diverse economic base by maintaining a range and choice of suitable employment sites that support a range of employment and ancillary uses within two nodes being the industrial area east of the City of St. Thomas along Highway 3 and the St. Thomas Airport lands. The location of the Employment Area is shown on Schedule 1 – Land Use Structure. They will be the focus of the major concentrations of industrial and service commercial related employment growth and development in Central Elgin. The Municipality may permit the conversion of lands within an employment area to another type of land use through a comprehensive review.

Goals

- Maintain a range and choice of suitable sites for employment uses to support a wide range of employment activities and related uses to accommodate both local and regional markets.

- To encourage sustainable economic growth by accommodating employment uses on full municipal services, as feasible and appropriate.
- Ensure that certain employment uses are protected from intrusion by incompatible sensitive land uses.
- Provide an appropriate level of transportation infrastructure and directing employment related traffic to Provincial Highways, County Roads and/or local arterial roads as opposed to local residential roads to the extent possible.

2.1.3.1 Employment Area - Policies

- a) The Employment Area will be the focus of employment growth. Section 4.0 sets out the specific policies for the uses shown on the Land Use Schedules within the Employment Area.
- b) Employment Areas do not support institutional uses or destination oriented commercial and shopping uses, such as large retail uses. Proposals for large retail uses will require a site-specific amendment to the Official Plan.
- c) The conversion of lands from within the Employment Area to non-employment uses will only be considered at the time of a comprehensive review of this Plan, in accordance with the policies contained in Subsection 5.1.3.

2.1.3.2 Conversion of Employment Area Lands - Policies

- a) A comprehensive review may be initiated at any time by Central Elgin or by an Official Plan Amendment which is initiated or adopted by Central Elgin in accordance with the Policies of Subsection 5.1.3 and the conversion of employment lands to another land use designation will only be considered when the comprehensive review exercise has demonstrated that:¹
 1. The location of the Employment Area lands do not satisfy the current or future needs of Central Elgin;
 2. The total amount of Employment Area designated land will not substantially decrease as a result of the re-designation;
 3. The lands proposed for re-designation should be located on the periphery of an Employment Area and be appropriate for the area and land use incompatibility will be minimized;
 4. The proposed re-designation will not jeopardize the planned role and function of other designated areas nor set a precedent for further re-designation;
 5. There is a demonstrated need for the proposed use;
 6. The long term stability and viability of the remaining Employment Area lands will not be negatively impacted by the proposed use;
 7. The new proposed uses can be integrated and linked to the surrounding community; and
 8. The existing or planned infrastructure and public service facilities are suitable to accommodate the proposed expansion area.

¹ **Modification No. 1 under Section 17(34) of the Planning Act.**

2.1.4 Agricultural Area

Agriculture is a major economic driver in Central Elgin and dominates the rural landscape of the Municipality. The location of the Agricultural Area is shown on Schedule 1 – Land Use Structure. The Agricultural Area consists predominantly of Class 1-4 soils under the Canada Land Inventory Soil Capability, which means the majority of land is considered prime agricultural land and the entire Agricultural Area is a prime agricultural area, which is afforded protection under Provincial Policy unless appropriate justification is provided for alternative uses. The Agriculture Area also contains a significant portion of the overall natural heritage and natural hazard features of the Municipality, as well as small, historic concentrations of predominantly residential uses identified on the land use schedules as “Rural Development Areas”.

Goals

- To provide for a sustainable agricultural industry in Central Elgin.
- To affirm agriculture as a predominant activity in the Municipality.

2.1.4.1 Agricultural Area - General Policies

- a) Land use schedules and policies for lands within the Agricultural Area are contained in Section 4.0 of this Plan.
- b) Lands within the Agricultural Area and designated as “Natural Heritage” and/or “Natural Hazard” on the land use schedules are subject to the policies contained within Section 3.0 of this Plan. Natural heritage features such as species at risk may occur beyond the Natural Heritage designation.
- c) Extraction of mineral aggregate resources and petroleum resources is permitted within the Agricultural Area in accordance with the policies contained in Section 3.5 of this Plan.

Schedule "1"

To The Official Plan of The Municipality of Central Elgin

LAND USE STRUCTURE



Land Use Structure

Settlement Areas

- Urban Settlement Area
- Rural Settlement Area

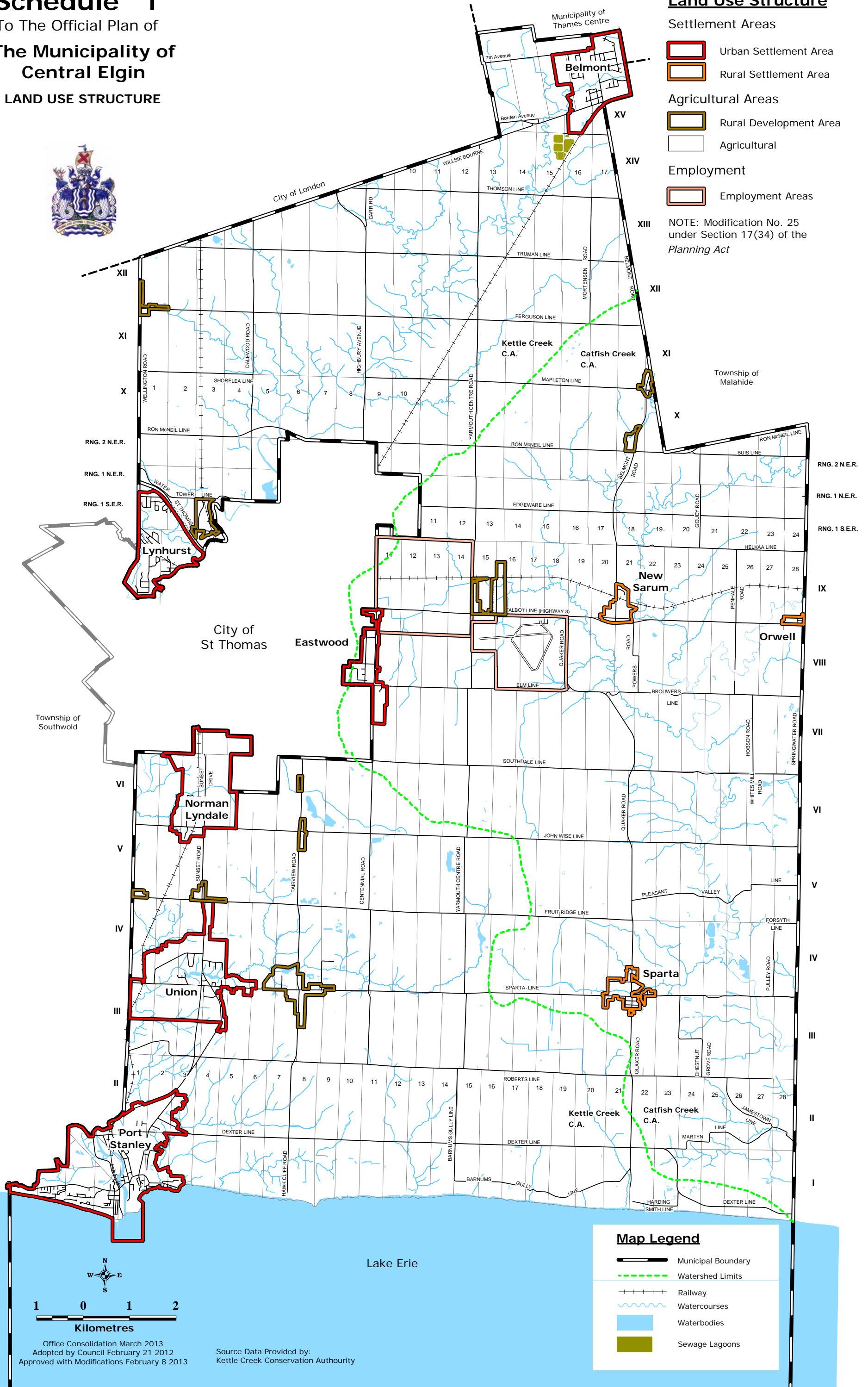
Agricultural Areas

- Rural Development Area
- Agricultural

Employment

- Employment Areas

NOTE: Modification No. 25 under Section 17(34) of the Planning Act



Map Legend

- Municipal Boundary
- Watershed Limits
- Railway
- Watercourses
- Waterbodies
- Sewage Lagoons

Schedule "A"

To The Official Plan of
The Municipality of
Central Elgin

LAND USE PLAN



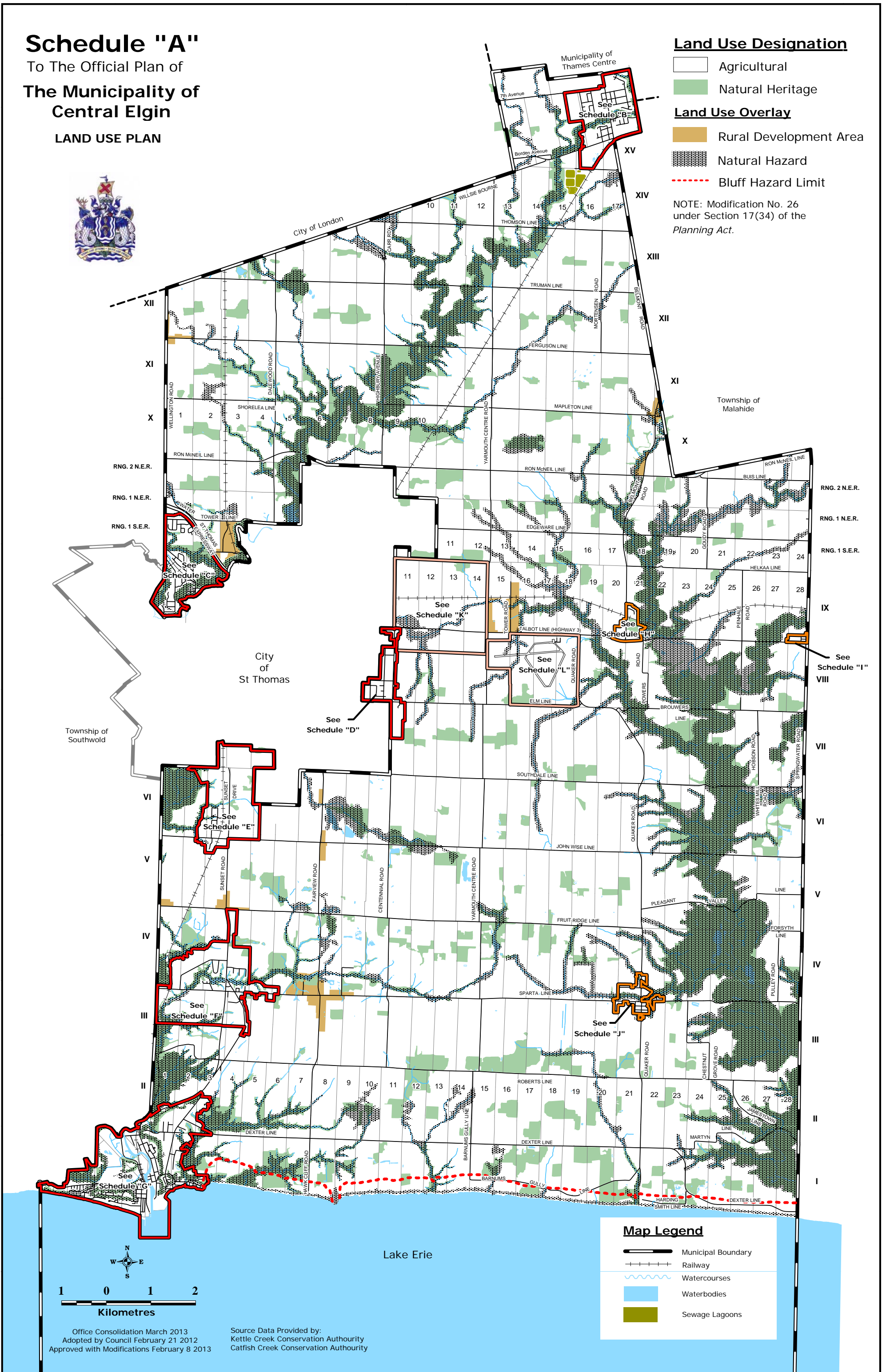
Land Use Designation

- Agricultural
- Natural Heritage

Land Use Overlay

- Rural Development Area
- Natural Hazard
- Bluff Hazard Limit

NOTE: Modification No. 26 under Section 17(34) of the Planning Act.



Map Legend

- Municipal Boundary
- Railway
- Watercourses
- Waterbodies
- Sewage Lagoons



Office Consolidation March 2013
Adopted by Council February 21 2012
Approved with Modifications February 8 2013

Source Data Provided by:
Kettle Creek Conservation Authority
Catfish Creek Conservation Authority

2.2 GROWTH PROJECTIONS & TARGETS

- a) It is projected that Central Elgin's population will grow to 17,633, an increase of 4,910 people, over the 20-year period from 2006-2026. This target reflects the anticipated growth patterns in the London CMA.
- b) It is projected that Central Elgin will require 2,320 dwelling units over the 20-year period from 2006-2026 to address the needs of the projected population growth. It is anticipated that the distribution in dwelling unit type will be 85% single detached, 7% townhouses and 8% apartments.
- c) Central Elgin has established a residential intensification target of 10%, to be directed towards the built up portions of the Urban Settlement Areas where full municipal sewer and piped water facilities are available.
- d) Central Elgin has established an affordable housing target of 21.4%, which represents 498 of the projected 2,320 dwelling units required over the 20-year period from 2006-2026.
- e) It is projected that employment in Central Elgin will generate an additional 1,356 jobs over the 20-year period from 2006-2026. It is projected that job creation will occur in the following sectors:
 - Service Sector (wholesale trade; retail trade; information and cultural industries; finance and insurance; real estate; professional, scientific and technical services; administrative; waste management services; arts, entertainment and recreation; accommodation and food services; public administration; and other services) - 570 jobs;
 - Institutional Sector (education, health care and social services) - 350 new jobs;
 - Industrial Sector (utilities, construction, manufacturing, transportation and warehousing) - 250 jobs;
 - Primary Sector (agriculture, forestry, fishing, and mining) - 190 jobs.

2.3 HOUSING

Central Elgin's housing stock is predominantly low-density housing with 93% of the housing stock being comprised of single detached dwellings. In the future, it is projected that a greater mix of units will be required to accommodate the changing demographic in central Elgin which is expected to see more empty nesters, seniors and first-time homebuyers as well as younger adults who cannot afford to purchase a home.

Goals

- To encourage a sustainable mix and range of housing to meet the needs of present and future residents, including those with special needs.
- To encourage residential intensification within the Built-up Areas of the Urban Settlement Areas to allow for the efficient provision and utilization of existing infrastructure to minimize the cost of providing services while meeting an important component of Central Elgin's housing needs.
- To ensure an adequate supply of housing that is affordable to a broad range of income groups.
- To improve access to housing for people with special needs as well as various forms of supportive housing, including group homes and emergency/transitional housing.
- To encourage the provision of a full range of housing types and densities to meet the projected demographic and market requirements of current and future residents of Central Elgin.

2.3.1 Housing - Policies

- a) Central Elgin shall maintain at all times the ability to accommodate residential growth for a minimum ten years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.
- b) Central Elgin shall maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

2.3.2 Residential Intensification

Intensification means the development of a property, site or area at a higher density than currently exists through redevelopment (including the reuse of brownfield sites); the development of vacant and/or underutilized lots; infill development; and, the expansion or conversion of existing buildings.

2.3.2.1 Residential Intensification - Policies

- a) Residential intensification shall only be supported within the built up areas of the Urban Settlement Areas indentified in Subsection 2.1.1 to this Plan.
- b) Residential intensification shall only be permitted where full municipal sewer and water services exist, and in accordance with the policies of Subsection 2.8 to this Plan.
- c) Residential intensification shall comply with the policies contained within Section 4.0 of this Plan.

2.3.3 Affordable Housing

Affordable housing refers to a broad range of dwelling types that are considered affordable within a particular market; that does not cost more than 30% of household income; can be provided by the private sector, the municipal sector or private non-profit groups; and, can be in the form of affordable ownership housing or affordable rental housing.

Table 2.1 breaks down the affordable ownership and rental housing targets for Central Elgin over the 20-year period from (2006-2026).

Table 2.1 – Affordable Ownership and Rental Housing Targets, Central Elgin 2006-2026

Affordable Ownership Housing	Total	Affordable		Annual
10% of single-detached	1,958	196	10.0%	10
25% of semi-detached	0	0	0.0%	0
50% of row dwellings	121	60	50.0%	3
100% of owned apartments	39	39	100.0%	2
Total	2,117	295	13.9%	15
Affordable Rental Housing	Total	Affordable		Annual
100% of rental row dwellings	47	47	100.0%	2
100% of rental apartments	155	155	100.0%	8
Total	203	203	100.0%	10
Total Housing Production		2,320		
Total Affordable		498		
% Affordable of Total 21.4%				

2.3.3.1 Affordable Housing - Policies

- a) Affordable housing means:
 1. In the case of rental housing, the least expensive of:
 - a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or

- a unit for which the rent is at or below the average market rent of a unit in the London CMA regional housing market area;
2. In the case of ownership housing, the least expensive of:
 - housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of the annual median household income for all households; or,
 - housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the London CMA.
- b) Low and moderate income households means:
1. In the case of ownership housing, households with incomes in the lowest 50 percent of the income distribution for the regional market area; or
 2. In the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.
- Incomes are based on the income distribution in the regional market area covering the St. Thomas/Elgin County Area.
- c) The definition of affordable housing contained in this Plan may be superseded by a different threshold of “affordable” housing where a provincial or federal affordable housing program results in rents or house prices that are higher than the affordable house prices or rents as defined herein. In such cases, the rents and house prices defined by such program will be considered as “affordable housing”.
 - d) Central Elgin may seek partners to develop affordable housing, including housing options for seniors and special needs, which may be in either freehold, condominium or rental tenure.
 - e) Central Elgin will work with the Social Housing Administrator and endeavor to participate in federal/provincial affordable housing programs and urge the federal and provincial governments to create a stable funding base for affordable housing.
 - f) Central Elgin will monitor the achievement of the affordable housing targets as a part of the 5-year review of this Plan.
 - g) Central Elgin will encourage housing projects through a variety of means including financial incentives that may be associated with Community Improvement Programs, waiving of fees and other incentives.

2.3.4 Special Needs Housing

Special needs housing includes housing for the physically and developmentally challenged and disabled, persons with emotional difficulties, chronically mentally ill, those requiring emergency shelter, assisted housing accommodating individuals, and households with low to moderate incomes.

2.3.4.1 Special Needs Housing - Policies

- a) Central Elgin will work with other agencies and local groups to assess the extent of the need for special needs housing.
- b) Central Elgin will support community agencies interested in pursuing additional funding from the Provincial government to address identified needs for special needs housing. Central Elgin will also support the distribution of special needs housing provided by community groups.
- c) Group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff) lives as a unit under responsible supervision. The home is licensed or approved under provincial statute. Group homes will not be concentrated in one specific area and will be located in Urban Settlement Areas.
- d) Zoning By-law provisions will address the separation distances, spatial location, number, type and size of group homes, to prevent an undue concentration of group homes. Existing facilities that do not comply with the requirements of the Zoning By-law will be allowed to continue but will not be permitted to expand without a minor variance or zoning by-law amendment. Group homes with any correctional purpose will be treated as an institutional use and not a residential use by this Plan and the Zoning By-law and any proposal for such use will require an Amendment to this Plan and the Zoning By-law.
- e) Long-term care facilities that meet the needs of Central Elgin will be encouraged. Aging-in-place for seniors will be encouraged so that individuals living in a non-healthcare environment will have access to municipal services and amenities so that they may carry out their daily lives without having to relocate.
- f) Special needs housing shall comply with the policies of Section 4.0 to this Plan.

2.3.5 Garden Suites

A garden suite is a one-unit detached residential structure containing bathroom and kitchen facilities that is secondary to an existing residential structure and that is designed to be portable.

2.3.5.1 Garden Suites - Policies

- a) A garden suite shall only be permitted in areas designated “Agricultural” or “Residential” on the Land Use Schedules.
- b) A garden suite will only be permitted in association with a single-detached residential dwelling on a lot, by way of a Temporary Use By-law in accordance with the *Planning Act* and the policies of Subsection 5.3.3 of this Plan. Only one garden suite shall be permitted per lot.
- c) Where permitted by the policies of this Plan, the following policies will apply to the development of Garden suites:
 - 1. There is a justified need for temporary accommodation in a detached residential structure that is located close to the principal residential dwelling unit;
 - 2. That the Temporary Use By-law will contain regulations to control the use;
 - 3. The garden suite can be appropriately serviced in compliance with Subsection 2.8 to this Plan and the requirements of the zoning by-law;

4. The Minimum Distance Separation policies of Section 4.0 to this Plan shall apply in determining a location for a proposed garden suite;
 5. The use is temporary and will only be permitted for a limited period of time, as prescribed in the Temporary Use By-law;
 6. A garden suite must meet with the requirements of the Ontario Building Code; and
 7. The garden suite must be removed upon expiration of the time prescribed in the Temporary Use By-law.
- d) Prior to approving the Temporary Use By-law, Central Elgin shall require that an Agreement be entered into with the Municipality dealing with matters related to the garden suite as Council considers necessary or advisable.

2.3.6 Second Residential Units

Second residential units are separate and complete dwelling units that are created within a single detached, semi-detached or rowhouse, regardless of whether the physical alteration of the house is required to create two residential units.

2.3.6.1 Second Residential Units - Policies

Where permitted by the policies of this Plan, the following policies will apply to the development of second residential units:

- a) Second residential units are permitted in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains an accessory residential dwelling unit.
- b) A second residential unit is permitted in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential dwelling unit.
- c) The lands on which the second dwelling unit is to be created are zoned to permit residential use other than as an ancillary use.
- d) An amendment to the comprehensive Zoning By-law will be implemented to put into effect the policies of this subsection.
- e) The accessory dwelling unit can be independently serviced in compliance with Subsection 2.8 to this Plan and the requirements of the zoning by-law.
- f) Development of an accessory residential dwelling unit will be subject to the following criteria:
 - i. The accessory dwelling unit shall not change the general characteristics of a single detached, semi-detached or rowhouse structure; and
 - ii. The accessory dwelling unit will comply with the *Ontario Building Code* and the *Fire Code*.²

² Modification No. 2 under Section 17(34) of the *Planning Act*.

2.4 CULTURAL HERITAGE AND ARCHAEOLOGY

The heritage resources of Central Elgin include archaeological sites; buildings and structures of architectural, historical or engineering interest; groups of buildings or structures which are of cultural heritage value or interest in the landscape; and entire rural and urban landscapes. In essence they are the works of humans and their effects of their activities in the environment and may be considered as heritage where they constitute the consultable records of past human activities, endeavours or events.

Goals

- To preserve and enhance cultural heritage and archaeological resources as they are an important component of Central Elgin's history and community identity.

2.4.1 Cultural Heritage Resources

Central Elgin's rich cultural heritage resources include: buildings, structures, monuments or artifacts of historic and/or architectural value or interest, and areas of unique or rare settlement composition, streetscape, landscape or archaeological value or interest. It is the intent of Central Elgin to support the conservation of these cultural heritage resources for the benefit of the Municipality.

2.4.1.1 Cultural Heritage Resource - Policies

- a) Central Elgin shall conserve its significant built heritage resources which are of cultural heritage value or interest in the landscape, and may use the *Ontario Heritage Act* to do so.
- b) Development and/or site alteration shall not be permitted on properties containing significant built heritage resources and/or cultural heritage landscapes unless it is demonstrated through a heritage impact assessment prepared to the satisfaction of the Municipality that the significant built heritage resource or cultural heritage landscape will be conserved.
- c) Central Elgin may seek partnerships and coordinate with other levels of government, private agencies and individuals in the conservation of heritage resources in the Municipality, and may participate in government programs available to assist in the implementation of heritage conservation policies.
- d) Central Elgin may acquire significant heritage properties and may restore, rehabilitate, enhance and maintain such properties as significant heritage resources.
- e) Central Elgin may seek the acquisition of easements on properties with heritage significance in order to ensure the conservation of these properties in perpetuity.
- f) Central Elgin shall ensure that any Municipally-owned heritage resource which is sold, transferred or leased to another owner or lessee is subject to a heritage easement agreement which will guarantee its conservation, and which will require that it be used in a manner that respects its heritage significance. Central Elgin may require a heritage restoration agreement which will require that certain restoration works be carried out by the new owner or lessee to a standard acceptable to the Heritage Committee and Central Elgin.

- g) Central Elgin may encourage programs such as Community Improvement and the Brownfields Financial Tax Incentive Program (BFTIP) to further the heritage policies of this Plan.
- h) Central Elgin shall have regard for known cultural heritage resources and areas of archaeological potential in undertaking public works.
- i) Central Elgin may prepare and maintain a cultural heritage database and/or heritage management plans for planning purposes, resulting in inventories of significant heritage buildings, heritage districts, cultural heritage landscapes, archaeological sites, and areas of archaeological potential within Central Elgin.
- j) Central Elgin will maintain a register of properties, endorsed by Council, containing properties designated under the *Ontario Heritage Act*. The register shall also contain a listing of properties worthy of designating under the *Ontario Heritage Act* and Central Elgin shall endeavour to have these properties designated. Signage will be erected to indicate that a property is a designated heritage property.

2.4.2 Heritage Committee

A Heritage Committee has been established and maintained pursuant to the *Ontario Heritage Act*. The role of the Heritage Committee is to advise and assist Council on other matters of cultural heritage conservation. The Heritage Committee prepares, publishes and monitors an inventory of heritage resources within Central Elgin, and generally advises on heritage matters.

2.4.2.1 Heritage Committee - Policies

- a) Central Elgin shall consult with its Heritage Committee on decisions to designate a property or part of a property under the Ontario Heritage Act.
- b) Council shall consult with the Heritage Committee on decisions as to which non-designated properties to list on the register of Central Elgin's heritage resources. The following criteria may be used in determining the historic or architectural value of heritage resources included, or proposed to be included in the register:
 - 1. The architectural significance of any building(s) in terms of its form, massing and/or cultural relevance;
 - 2. The historical value of the site or building from a social, environmental, cultural or economic perspective;
 - 3. The integrity and present condition of the heritage resource; and
 - 4. The natural and built environmental condition of the site.
 - 5. Criteria as may be set out in regulations established under the Ontario Heritage Act as may be amended from time to time.
- c) The Heritage Committee may also seek the advice of local historical societies and genealogical societies in the compilation of heritage inventories.
- d) The Heritage Committee shall review and comment on heritage impact assessments submitted to Central Elgin in conformity with the policies of this Plan.

2.4.3 Heritage Properties or Districts

Central Elgin may choose to designate certain properties or districts under the *Ontario Heritage Act*.

2.4.3.1 Heritage Properties or Districts - Policies

- a) Central Elgin may utilize the *Ontario Heritage Act* to conserve, protect and enhance the cultural heritage resources of Central Elgin through the designation of individual properties, heritage conservation districts containing significant cultural heritage landscape characteristics and archaeological sites.
- b) Central Elgin may pass by-laws providing for the making of a grant or loan to the owner of a property designated under the *Ontario Heritage Act* for the purpose of paying for the whole or any part of the cost of maintenance, preservation, restoration or alteration of such designated property, on such terms and conditions as Council may prescribe.
- c) Central Elgin may consider designating a Heritage Conservation District or Districts. Council may pass a by-law defining an area to be examined for future designation as such a district, or may prepare a study for the area to determine the feasibility and appropriateness of such a designation. Such a study should be prepared in accordance with the Province's Heritage Conservation District Guidelines. Central Elgin may prepare District Planning Guidelines, which may include policies to advise Council as to the approval of applications for new development and building alterations on properties located within a Heritage Conservation District.
- d) Real property that has been designated under Parts IV, V or VI of the *Ontario Heritage Act*, heritage conservation easements under Parts II or IV of the Act, or property that is subject to a covenant or agreement with the Committee or any level of government for the purposes of conserving its heritage features or resources shall be considered "protected heritage properties".
- e) Development and site alteration may be permitted on adjacent lands to protected heritage property, where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage will be conserved.³
- f) Council shall require a heritage impact assessment to be conducted by a qualified professional whenever a development has the potential to affect a protected heritage property.

2.4.4 Archaeological Resources

Central Elgin recognizes that there may be archaeological remains of pre-contact and historic habitation, or areas containing archaeological potential within the Municipality.

³ Modification No. 3 under Section 17(34) of the *Planning Act*.

2.4.4.1 Archaeological Resources – Policies

- a) Areas of archaeological potential will be determined through the use of Provincial screening criteria, or criteria based on known archaeological records with Central Elgin and developed by a licensed archaeologist.
- b) For a proposed development within an area of archaeological potential, an archaeological assessment will be required prior to final planning approval, or as a condition of final planning approval. Archaeological assessment reports conducted by licensed archaeologists will be in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport, as well as licensing requirements developed under the *Ontario Heritage Act*.
- c) Where archaeological resources are identified, Central Elgin recognizes that there may be a need for archaeological conservation on site or rescue excavation of significant archaeological resources as a result of development proposals. Central Elgin may consider in-situ preservation of archaeological resources to ensure that the integrity of the resource is maintained. Central Elgin may also maintain the integrity of archaeological resources by enacting a Zoning By-law to prohibit incompatible land uses and/or the erection of buildings or structures on land that is a site of a significant archaeological resource.
- d) Central Elgin, on the advice of the Ministry of Tourism, Culture and Sport, may undertake the preparation of an Archaeological Management Plan for all or a portion of Central Elgin. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within Central Elgin having archaeological potential. The Management Plan may also outline policies, programs and strategies to protect significant archaeological sites.
- e) Central Elgin will ensure adequate archaeological assessment and consult appropriate government agencies, when an identified, marked or unmarked cemetery is impacted by development. The provisions of the *Ontario Heritage Act* and the *Cemeteries Act* will apply.
- f) Central Elgin shall, prior to approving a development proposal in areas with marine archaeological potential, require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the Municipality and the Ministry of Tourism, Culture and Sport, pursuant to the Ontario Heritage Act. Any marine archaeological resource that is identified must be reported to the Ministry of Tourism, Culture and Sport⁴ (MTCS) immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed, through excavation, by licensed marine archaeologists under the direction of MTCS. 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.
- g) 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 Management Plan, the appropriate First Nations shall be notified and invited to participate in the process.⁵

⁴ Modification No. 4 under Section 17(34) of the *Planning Act*.

⁵ Modification No. 5 under Section 17(34) of the *Planning Act*.

2.5 RECREATION AND LEISURE

Central Elgin's Recreation Master Plan, as updated from time to time, recommends a three tier hierarchy comprised of Neighbourhood Parks, Community Parks and Regional Parks for the purposes of parkland planning and development. The parkland hierarchy is designed to respond to and support the various parks and recreational needs of Central Elgin.

Through the preparation of Central Elgin's Recreation Master Plan, it was identified that Central Elgin should explore establishing and expanding trails and linkage opportunities between parks, open space areas and community facilities.

Goals

- To promote a healthy community by developing and maintaining recreational facilities, parks, open space areas and trail systems that cater to the recreation and healthy lifestyles needs of Central Elgin's residents as a whole.
- To acquire new parks, improve existing parks and facilities and provide public parks to meet the needs of the residents, as well as to address existing park deficiencies.
- To strive towards the provision of an overall parkland standard of 5 hectares per 1,000 of population.
- To ensure that adequate facilities are located in the appropriate areas.
- To support the objectives and recommendations of the Municipality's Recreation Master Plan as appropriate through the land use planning process.

2.5.1 Parks

2.5.1.1 Park Standards

The Recreation Master Plan identifies a three tier parkland hierarchy comprised of Neighbourhood Parks, Community Parks and Regional Parks:

1. Neighbourhood Parks are intended to serve local residential areas within a larger Settlement Area and should generally be located within easy walking distance of the area to be served. They may provide a combination of active and passive recreation and leisure opportunities, including playground equipment, no more than one practice baseball diamond or one intermediate size soccer pitch, benches, walkways, etc.
 - the preferred size for a Neighbourhood Park is 1.0 to 2.5 hectares; however, it is recognized that there are smaller existing Neighbourhood Parks;
 - Central Elgin will strive to provide an overall Neighbourhood Park standard of 0.5 hectares per 1,000 of population;
2. Community Parks are intended to serve an entire Settlement Area and should be developed so that they are accessible to a wide segment of the population. They may provide a combination of active and passive recreation and leisure opportunities,

including adult and youth competitive playing fields, tennis courts, community centres, picnic pavilions, civic features, etc.

- the preferred size for a Community Park is 4.0 to 8.0 hectares, the majority of which should be located on tableland in order to support playing fields;
 - Central Elgin will strive to provide an overall Community Park standard of 2.0 hectares per 1,000 of population;
3. Regional Parks are intended to serve all Central Elgin residents and also to attract people from outside Central Elgin. Regional Parks may include natural and physical features, including beaches, significant historical or cultural amenities, extensive trail networks, high level specialized amenities (e.g. indoor swimming pool, lighted soccer pitch, etc.), or a grouping of multiple major facilities (i.e., indoor/outdoor multi-purpose recreation complex). Regional parks may include natural heritage features and areas that contribute to and support the natural heritage system within Central Elgin, and as such are subject to the policies in Section 3.0 of this Plan.
- the preferred size for a Regional Park will vary, depending on its use. The land area; however, is typically much larger than a Community Park;
 - Central Elgin will strive to provide an overall Regional Park standard of 2.5 hectares per 1,000 of population.

2.5.1.2 Parks - Policies

- a) Parks will provide venues for a diverse range of structured and unstructured, active and passive leisure pursuits for residents of all ages.
- b) As a condition to development or redevelopment of land or the approval of a plan of subdivision, Central Elgin may, by by-law applicable to the whole Municipality or a defined area thereof, require that land in an amount not exceeding 2 percent for commercial or industrial purposes and 5 percent in all other cases of the land be conveyed to the Municipality for park or other public recreation purposes.
- c) Central Elgin shall require the payment of money to the value of the land otherwise required to be conveyed in lieu of the conveyance as a condition of applicable consent applications. The value of the land shall be determined as of the day before the day that the provisional consent was given.
- d) All moneys received as cash-in-lieu of land conveyance shall be paid into a special account and spent only for the acquisition of land, the erection of buildings and other structures, or the acquisition of equipment and machinery required for park and other recreational purposes.
- e) Where land has been conveyed or a payment of money has been received in lieu of such conveyance, no additional conveyance or payment may be required in respect of subsequent development or redevelopment of the lands unless:
 - 1. There is a change in the proposed development or redevelopment which would increase the density of development; or
 - 2. Land originally proposed for commercial or industrial development is now proposed for development or redevelopment for another purpose.

- f) Where Central Elgin imposes a dedication for parkland as part of a development approval under the *Planning Act*, the developer shall be responsible for conveying lands in a form satisfactory to Central Elgin in accordance with the following:
1. Preparation of a detailed development plan for the requisite park and walkways;
 2. The development plan shall be prepared by a landscaped architect retained by the developer;
 3. The development plan shall be prepared in consultation with Central Elgin;
 4. As part of the development plan approval process, the landscape architect shall prepare, at no cost to Central Elgin, detailed grading and landscaping plans based on the Central Elgin endorsed site plan. The use of native species within the landscaping plan shall be encouraged by the Municipality;
 5. The developer shall undertake, at no cost to Central Elgin, all grading, seeding, planting and site development work as stipulated in the development/subdivision agreement; and
 6. The developer shall complete all work by the dates specified in the development/subdivision agreement.
- e) Central Elgin will promote the integration and accessibility of parks with community uses including schools, municipal facilities, institutional uses and open spaces through pedestrian, cycling and trail linkages.

2.5.2 Open Space and Trails

Through the preparation of Central Elgin's Recreation Master Plan, it was identified that Central Elgin should explore establishing and expanding trails and linkage opportunities and to also promote the availability and location of trails and linkages.

2.5.2.1 Open Space and Trails - Policies

- a) Central Elgin may support the creation of linked open spaces through the acquisition of land options outlined in Section 5.3.12 or through the integration of:
1. Natural Heritage Features in public ownership, including land owned by Central Elgin, Kettle Creek Conservation Authority, Catfish Creek Conservation Authority, Provincial and Federal Ministries and land trusts;
 2. Existing rights-of-ways;
 3. Abandoned rail lines in public ownership;
 4. Existing parkland and/or open space lands;
 5. Service and utility corridors;
 6. Sidewalks and pathways;
 7. Agreements with private land owners;
 8. Acquisition of access easements;
 9. Linkages provided through a *Planning Act* approval process; and

10. Trans-Canada Trail.

- b) Central Elgin will encourage the interconnection of existing walking trails and bicycle paths, wherever possible and appropriate to provide continuous trail system linkages. Using the Recreation Master Plan as a guide routes should provide continuous access between neighbourhoods, parks, schools, recreation facilities, the waterfront, business areas and other public buildings and services.
- c) The implementation of trail systems should be feasible given the costs and benefits associated with the route selection. This should take into account the benefits of healthy living, environmental sustainability, and the quality of neighbourhood character.
- d) Central Elgin may prepare a Transportation Master Plan that would support the creation of a primary bicycle network.
- e) Central Elgin may investigate the feasibility of acquiring portions of surplus railroad transportation corridors for trail systems.
- f) Central Elgin may require the provision of certain pedestrian, cycling and trail linkages through the development approvals process, in accordance with the policies of this Plan and associated master plans as approved by Council.
- g) Any public or private trail crossing a Provincial Highway is subject to approval and restriction of the Ministry of Transportation (MTO). Trails running within a Provincial Highway Right-of-Way will not be permitted.
- h) Any cycling facilities that impact Provincial Highways or which would require changes to provincial highway infrastructure are to submit a proposal for review to the MTO.

2.6 NATURAL ENVIRONMENT

Historic land use planning objectives often included preservation and restoration of a particular natural heritage feature(s), including woodlands, grasslands, wetlands, valley lands, rare species, fish and wildlife habitats, riparian corridors, as well as geologic features and lands forms. More recently, policies for the protection of air and ground/surface water quality and quantity also became essential components to obtain ecosystem objectives.

Natural environment planning is a sustainable integrating concept that uses a natural heritage systems based approach to land-use planning and policies. The natural heritage systems approach incorporates significant natural features, their ecological functions and existing/potential linkages as component parts within them and across the landscape and recognizes the hydrological, geological and biological processes upon which these features are dependent.⁶

Goals

- To improve the sustainability and health of Central Elgin's natural environment by using a natural systems approach to land-use planning;
- To protect the natural environment where possible from negative effects of development through either avoidance and/or the use of necessary mitigative techniques
- To promote environmental education and stewardship.

2.6.1 Natural Environment - Policies

Detailed policies regarding Natural Heritage features are contained in Section 3. Those policies shall apply in addition to the following:

- a) Central Elgin supports a natural heritage systems approach to integrating the natural environment in the land use planning process.
- b) Central Elgin may identify natural heritage system(s) comprehensively, using approaches provided in guidelines by the Ministry of Natural Resources from time to time.
- c) Proposals for development and redevelopment shall be encouraged to identify and implement linkages between natural heritage features and areas, and ground and surface water features, to maintain or develop a diverse and connected natural heritage system.
- d) Central Elgin may support the creation of linkages to support natural heritage systems through the acquisition of land options outlined in Section 5.3.12 or through the integration of natural heritage features in public ownership, including land owned by Central Elgin; the Kettle Creek or Catfish Creek Conservation Authority; Provincial/Federal Ministries; land trusts; existing rights-of-ways; abandoned rail lines in public ownership; existing parkland and/or open space lands; service and utility corridors; agreements with private land owners; linkages provided through a *Planning Act* approval process; and the Trans-Canada Trail.

⁶ Modification No. 6 under Section 17(34) of the *Planning Act*.

2.7 PUBLIC SERVICE FACILITIES

Public service facilities provide for the health, education and other service needs of area residents. These facilities take many forms, ranging in size from a school campus to a neighbourhood health clinic. Most of these facilities are located in Settlement Areas and are subject to the other policies of this Plan. Examples include schools, branch libraries and fire and ambulance stations.

Goals

- To promote the orderly development and distribution of public service facilities and to minimize any impacts that these facilities may have on adjacent land uses.
- To provide lands at appropriate locations to meet the expected growth of public service facilities in Central Elgin.

2.7.1 Public Service Facilities - Policies

- a) Central Elgin encourages the School Boards to consult with the Municipality regarding the need for new schools, so that lands may be identified and secured through the *Planning Act*, where and when required.
- b) Life-long learning and workforce skills development, including apprenticeship, co-operative learning and adult education will be encouraged and supported by Central Elgin through a wide-range of alternative educational opportunities.
- c) Central Elgin will encourage the provision of community-serving health care facilities, which will be directed to Urban Settlement Areas.
- d) Areas proposed for new development will also be served with adequate emergency services. Stations for emergency vehicles will be located on arterial roads. New stations will be designed to minimize negative noise, traffic and other impacts.
- e) Cultural facilities, theatres, museums, places of worship, health care facilities and recreation facilities in Central Elgin will be encouraged and supported.

2.8 INFRASTRUCTURE

Central Elgin is serviced by a network of infrastructure including the transportation system, water and wastewater system, waste management, utilities and telecommunication facilities. These systems play an important role in defining Central Elgin and ensuring its sustainability, in terms of overall health, economic competitiveness and protection of the environment. The policies of this Plan strive to ensure the efficient and cost effective coordination between the land use structure and the provision of infrastructure.

Goals

- To provide services and utilities in a sustainable manner while minimizing conflicts with other land uses.
- To anticipate future requirements for extension of services by developing sufficient capacity in the distribution, collection and treatment facilities to service the present and future needs of the Municipality.
- To protect the natural heritage features and natural resources of the Municipality when providing required services and utilities.
- To pursue partnerships with other agencies wherever possible in planning for the efficient and sustainable provision of services and utilities, including rights-of-way and corridors.
- To protect services and utilities from encroachment by incompatible land uses that may constrain their operation, result in hazard to life and property, and/or increase the cost of their operation.
- To encourage the use of innovative or alternative servicing techniques to allow for greater efficiency and sustainability of the service and the environment.

2.8.1 Water and Wastewater Services

The preferred hierarchy of sewage and water services in Central Elgin includes the provision of municipal sewage and water systems within Urban Settlement Areas and the accommodation of individual on-site sewage services and private individual water services⁷ within the Rural Settlement Areas and Agricultural Area. Central Elgin will ensure that a cost-effective and adequate system of water supply and sewage treatment is provided to support, enhance and sustain existing and future residents and businesses in Central Elgin. Central Elgin is currently serviced by two water supply systems being the Belmont well system and the Lake Erie system (Elgin Area Primary Supply System). The Lake Erie system currently services Port Stanley; a portion of Union; New Sarum; a portion of the Highway 3 corridor and indirectly the Urban Settlement Areas around St. Thomas are also supplied through the Lake Erie system.

The preferred hierarchy of sewage and water services in Central Elgin is as follows:

⁷ Modification No. 7 under Section 17(34) of the *Planning Act*.

- 1) The preferred level of servicing for Central Elgin is that growth be directed to Urban Settlement Areas and be fully serviced by municipal piped water supply and sewage disposal systems in accordance with the policies of Subsection 2.8.1.1.1 to this Plan.
- 2) The preferred level of servicing for new development in the Employment Area is that it be fully serviced by municipal piped water supply and sewage disposal systems in accordance with the policies of Subsection 2.8.1.1.1 to this Plan.
- 3) Limited development may be permitted on private on-site systems, where full municipal services are not available and/or planned for in accordance with the policies of Subsection 2.8.1.2.1 to this Plan.
- 4) Limited development may be permitted where partial services exist in accordance with the policies of Subsection 2.8.1.3.1 to this Plan.

2.8.1.1 Full Municipal Services

Full Municipal Services includes sewage works and drinking water systems that are owned and operated by the Municipality. The Communities of Belmont, Port Stanley and Lynhurst are fully serviced with municipal piped water and sewage treatment services.

2.8.1.1.1 Full Municipal Services - Policies

- a) All development in the Urban Settlement Areas shall be fully serviced by municipal piped water supply and sewage disposal systems.
- b) Central Elgin will endeavour to ensure that both municipal water supply and sewage systems perform within permitted operating standards. Capacity or operating performance limitations will be recognized as a constraint to further development. Central Elgin will monitor treatment capacities and operational effectiveness of these municipal systems. When servicing capacity does not exist for a proposed development, Central Elgin will refuse applications for development until capacity is available.⁸
- c) In Urban Settlement Areas, priority will be given to the orderly development of land which is presently serviced with municipal piped water and sewage disposal systems, or those areas that can most easily be serviced at a minimal expense.

2.8.1.2 Private On-Site Services

Private on-site services include individual, autonomous sewage disposal systems and water supply systems that are owned, operated and managed by the owner of the property on which the systems are located. The Community of Sparta and the Agricultural Area are currently serviced by private on-site services.

2.8.1.2.1 Private On-Site Services - Policies

- a) Private on-site services will continue to be the preferred form of servicing in Rural Settlement Areas and the Agricultural Area, where it can be demonstrated that the development is within

⁸ Modification No. 8 under Section 17(34) of the *Planning Act*.

the reserve sewage system capacity and reserve water system capacity and that site conditions are suitable for the long-term provision of such services.

- b) Council may consider the extension of municipal piped water and sewage disposal systems to these areas to address an existing water quality or existing sewage disposal problem that represents a hazard to public health and safety and provided that the Council is satisfied that there are positive public benefits from such actions for residents of Central Elgin.
- c) Sewage disposal may be provided by individual private on-site sewage systems, subject to the policies outlined in Subsection 2.8.2. The installation of individual private on-site sewage systems is subject to the approval of the appropriate authority. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection.
- d) Any lot affected by an application for consent or plan of subdivision will be sized such that there is sufficient area for attenuation of nitrates, space for a suitable building envelope, sewage system envelope, a sewage system contingency area, and potable water supply.

2.8.1.3 Partial Services

Partial services include a combination of either municipal sewage services and private on-site water services, or municipal water services and private on-site sewage disposal services. The Communities of Eastwood Subdivision, New Sarum, Norman-Lyndale and Orwell, the Highway 3 Employment Area and portions of Union are currently serviced by partial services (piped municipal water and private on-site sanitary sewage disposal).

2.8.1.3.1 Partial Services - Policies

- a) Limited infilling development may be permitted on partial services in these Communities, in accordance with the policies of Section 4.0 and if it can be demonstrated that the development is within the reserve sewage system capacity and reserve water system capacity and that site conditions are suitable for the long-term provision of such services.
- b) Sewage disposal may be provided by individual private on-site sewage systems, subject to the policies outlined in Subsection 2.8.2. The installation of individual private on-site sewage systems is subject to the approval of the appropriate authority. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection.
- c) Council may consider the extension of municipal piped water and sewage disposal systems to these areas to address an existing water quality or existing sewage disposal problem that represents a hazard to public health and safety and provided that the Council is satisfied that there are positive public benefits from such actions for residents of Central Elgin.
- d) Any lot affected by an application for consent or plan of subdivision will be sized such that there is sufficient area for attenuation of nitrates, space for a suitable building envelope, sewage system envelope, a sewage system contingency area, and potable water supply.

2.8.1.4 Communal Systems and Holdings Tanks

There are currently no communal systems or holding tanks within Central Elgin.

2.8.1.4.1 Communal Systems and Holdings Tanks - Policies

- a) Communal servicing systems to service new development will not be permitted.
- b) Holding tanks will not be permitted for new development. They will only be permitted for existing development where Central Elgin is satisfied that there is no other alternative to solving a deficiency with an existing individual private on-site sewage system. Should a holding tank be permitted, Central Elgin shall:
 - (i) ensure that appropriate provisions are in place for disposal at an approved facility, or that there is capacity for hauled sewage at municipal sewage treatment plant; and
 - (ii) continue to encourage and explore all options for resolving the deficiency with either a private on-site sewage disposal system or through connection to a municipal sewage service.

2.8.2 Municipal Criteria for Private On-Site Sewage Systems

The following procedure should be addressed in a study/report format, on a site by site basis, to determine the area requirements for on-site individual lot private subsurface sewage disposal requirements within the overall lot minimum area requirements (i.e., sewage disposal area, house, ancillary uses such as pools, decks, sheds, sufficient space for a replacement system and set-backs):

2.8.2.1 Municipal Criteria for Private On-Site Sewage Systems - Policies

- a) A complete assessment in accordance with MOE Guideline for Individual On-Site Sewage Systems.
- b) Determine the site soil conditions using field investigations and laboratory analyses completed by a licensed professional geotechnical engineer:
 - 1. Minimum 1 per lot;
 - 2. Use worst rates not minimum or average rates.
- c) Complete designs in accordance with the Ontario Building Code and MOE Procedures and Guidelines for Private Sewage Disposal Systems.
- d) Provide a 100% contingency area based on the system with the largest area requirements.
- e) Integrate other lot development practices with the sewage system design:
 - 1. Lot creation and/or lot grading should not compete with subsurface hydraulic availability;
 - 2. Stormwater management practices (i.e., ground water recharge);
 - 3. Lawn watering restrictions (i.e., auto sprinklers);
 - 4. Landscaping practices (i.e., lawn aerating, vegetable gardens); and

5. Setbacks within setbacks (sheds over leaching beds, proprietary units near beds).
- f) Overall subdivision “cut and fill balance/strip and replace topsoil” practices should not be allowed. Grading design should incorporate existing site surface grading especially for rear yards (leaching bed areas).
 - g) Overall subdivision lot layout should be controlled by optimum subsurface locations first (i.e., then streets, services, etc.). Certain lot layouts should not be allowed (i.e., “island lots”).
 - h) The lot layout should be coordinated with Item b) to determine overall subsurface hydraulic flow paths. Subsurface activities such as house excavations, street and utility excavations should avoid hydraulic flow paths from leaching systems. The paths should not “head-on” each other.
 - i) The design flow should be based upon the building code value plus an allowance for house design life and demographic potential usage over the design life. The design flow should also allow for 24 and 48 hour peak flows in climatically wet or winter months. These allowances will usually double the value determined from the Ontario Building Code.
 - j) Leaching bed areas including mantles interfacing native cohesive soils should be sized using loads not exceeding 1.5 L/m²/average day.

2.8.3 Monitoring, Allocation and Phasing of Servicing⁹

Central Elgin will ensure that the provision of all municipal services proceed in an economically viable manner, through the appropriate monitoring,¹⁰ allocation and phasing of servicing.

2.8.3.1 Monitoring, Allocation and Phasing of Servicing - Policies¹¹

- a) Central Elgin will monitor the capacity of its sewage treatment and water supply systems, including the capacity of the delivery network. When servicing capacity does not exist for a proposed development, Central Elgin will refuse applications for development until capacity is available. Draft approved plans of subdivision may only proceed to registration if sufficient servicing capacity continues to exist. Central Elgin will implement a Master Servicing Plan to identify trigger points for initiating procedures to increase capacity of its sewage plants.¹²
- b) The following considerations regarding the timing of development in Urban Settlement Areas shall be considered:
 1. There is a logical extension of municipal services that avoids, where possible, large undeveloped tracts of land between the existing developed area and the proposed development;
 2. A compact form and pattern of development is maintained;
 3. The provision of all municipal services proceeds in a economically viable manner;

⁹ Modification No. 9(i) under Section 17(34) of the *Planning Act*.

¹⁰ Modification No. 9(ii) under Section 17(34) of the *Planning Act*.

¹¹ Modification No. 10(i) under Section 17(34) of the *Planning Act*.

¹² Modification No. 10(ii) under Section 17(34) of the *Planning Act*.

4. First priority is given to reserving servicing capacity for redevelopment, infilling and intensification.
- c) Draft approval of plans of subdivision shall not proceed unless there is sufficient servicing¹³ capacity to service the proposed subdivision. Where draft plan approval lapses, Central Elgin may assign the servicing allocation to other developments or areas of Central Elgin, or hold the capacity in reserve.
- d) Central Elgin may insert a clause in the conditions of development approval that reflect the policies of this Section.

2.8.4 Stormwater Management

In urban areas, impermeable surfaces such as building rooftops and parking lots reduce the ability of the land to absorb rainfall, and increase the rate at which water runs off the land. This increase in stormwater can cause flooding of adjacent areas, and erosion to downstream watercourses. Contaminants such as oil, grease, metals and pesticides tend to build up on surfaces in urbanized areas and are picked up by stormwater during rainfalls. These contaminants can impact the quality of surface water and the health of the natural environment. Stormwater management facilities are constructed to manage stormwater quality and quantity, at appropriate levels, as defined in consultation with the appropriate agencies.

Central Elgin recognizes that treated stormwater has value in the sustenance of natural heritage features and can contribute to the natural heritage systems approach to land use planning. In this regard, Central Elgin requires that natural vegetative features be integrated in new facilities and encourages the naturalization of existing stormwater management facilities. Central Elgin will apply best management practices in dealing with stormwater management which will preferably be determined through sub-watershed studies and stormwater management plans.

2.8.4.1 Stormwater Management - Policies

- a) It is the preference of Central Elgin that all stormwater related to new developments will be managed by regional facilities, where feasible. No new development will have a negative impact on the drainage characteristics of adjacent lands. Specific Stormwater Management Policies are contained in Subsection 3.3.2.
- b) Central Elgin will encourage the implementation of environmentally sustainable approaches to development including Low Impact Development and/or LEEDS – ND.
- c) Stormwater management facilities are subject to the policies of Section 3.0 of this Plan, and in that regard no Provincially Significant Wetland shall be used as, or in association with, a stormwater management facility.

2.8.5 Transportation

There is a strong relationship between land use, built form and transportation. The transportation network plays an important role in determining the quality of life within a community through the

¹³ Modification No. 10(iii) under Section 17(34) of the *Planning Act*.

level of service and accessibility to employment, recreational, social and retail shopping opportunities.

2.8.5.1 Road Network

Central Elgin is served by an extensive network of Provincial Highways, County Roads, and Local Roads. These roads provide linkages within Central Elgin, to other parts of Ontario, Canada and the United States. Highway 3 is currently the only road under the jurisdiction of the Province. Central Elgin is responsible for maintaining all local roads and those roads under the County Road System as indicated on the various Land Use Schedules.

2.8.5.1.1 Road Network - Policies

- a) Provision will be made to plan and protect road corridors for the future urban and rural road system in Central Elgin.
- b) The efficiency of the transportation system should be maximized by coordinating transportation planning initiatives, activities and connectivity with other levels of government and agencies.
- c) All transportation services will be planned and constructed in a manner that support the policies of this Plan and may be required to be approved in accordance with the *Environmental Assessment Act*.
- d) The preservation and reuse of abandoned transportation corridors for purposes that maintain the corridor's linear characteristics will be encouraged, whenever appropriate and feasible.
- e) The automobile will continue to be the predominant mode of transportation within Central Elgin due to the largely rural character of the majority of its land area. Notwithstanding this, compact building form and land use patterns, including increased density and a mix of uses will be promoted in the Urban Settlements Areas to encourage alternative modes of transportation.
- f) Transportation facilities will generally be planned and developed to comply with the following general road classification and function and design requirements:
 1. Provincial Highways
 - serve interregional and regional travel;
 - access, use and other permits may be required for proposed development located adjacent to a provincial highway, and are subject to Ministry of Transportation approval.
 2. County Roads
 - the County of Elgin has developed a classification system for its road network comprising five classes of roads including major and minor arterials, collectors, local roads and suburban links;
 - detailed policies and guidelines for the County road network are found in the County Roads Master Plan, as may be updated from time to time.

3. Local Roads

The classification system of Local Roads shall comprise three classes of roads as follows:

Urban Collector Roads

- serve local travel;
- connect collector and local roads to arterial roads and County Roads;
- minor access controls;
- right-of-way widths of 20.0 metres minimum;
- may contain on-street parking on one or two sides.

Rural Collector Roads

- serve local travel;
- connect collector and local roads to arterial roads and County Roads;
- minor access controls;
- right-of-way widths of 20.0 metres minimum;
- may contain on-street parking on one or two sides.

Local Roads

- serve residential and/or employment areas;
- connect individual properties to collector roads, arterial roads and County Roads;
- minor access controls;
- right-of-way widths of 20.0 metres minimum;
- provision for on-street parking on one or two sides.

- g) Roads will be designed in accordance with specifications and standards of the Municipality, as may be updated from time to time.
- h) Other specific road requirements will be in accordance with the standards of the Municipality, as may be updated from time to time.

2.8.5.1.2 Road Widening

Roads identified for widening are shown on the Road Classification and Widening Schedules to this Plan. Road widening is subject to the following policies:

- a) Road widening will generally be taken equally from the centre-line of the roadway. Developers may be required as a condition of development and/or redevelopment approval to provide land to Central Elgin for road widening based on the following:
 1. Land will be conveyed at no expense to Central Elgin for road widening as a result of new development requiring a plan of subdivision, consent or site plan approval; changes in use that generate significant traffic volumes; or additions that substantially increase the size

or usability of buildings or structures. Land may be reserved for future purchase by Central Elgin as a result of additions that do not substantially increase the size or usability of buildings or structures;

2. Unequal widening may be required where topographic features, public lands, historic buildings or other cultural heritage resources, significant environmental concerns, or other unique conditions necessitate taking a greater widening or the total widening on one side of the existing municipal road right-of-way;

2.8.5.2 Movement of Goods

Major sectors of Central Elgin's economy are dependent on the efficient movement of goods. In order to maintain an efficient movement of good within and through Central Elgin, it is imperative that conflicts between truck traffic, the railways, commuter/local traffic and incompatible development are minimized.

2.8.5.2.1 Movement of Goods - Policies

- a) The safe and efficient movement of goods in and through Central Elgin will be facilitated.
- b) Central Elgin will work with other levels of government, non-government agencies and the private sector to minimize the risks and facilitate the safe and efficient movement of goods into and through Central Elgin.
- c) Trucks routes may be established by the County through the passing of by-laws and will utilize Provincial Highways, arterial roads, non-residential collector roads and suburban links, thereby avoiding residential neighbourhoods and areas.
- d) Business activities that require heavy truck traffic will be encouraged to locate in close proximity or adjacent to Provincial Highways interchanges, County Roads and arterial roads in appropriately designated areas.
- e) Central Elgin will work with local businesses to ensure the provision of truck routes which meet their needs while having regard for the need to protect residential neighbourhoods from truck noise, pollution and hazards. Truck routes using local roads through residential neighbourhoods will be discouraged.
- f) Central Elgin will direct the location of facilities and/or industries that generate and/or process hazardous waste to areas outside of the Settlement Areas.

2.8.5.3 Transit Network

While there is no existing comprehensive public transit system in Central Elgin, Central Elgin supports the notion of future public transit opportunities.

2.8.5.3.1 Transit Network - Policies

- a) Central Elgin will consider future opportunities for public transit connections to major community destinations, including commercial shopping areas, places of employment, institutions, and public service and recreational areas.

2.8.5.4 Active Transportation

This Plan recognizes that active transportation trails and paths contribute to healthy communities and supports sustainable modes of travel. Central Elgin encourages the development and enhancement of pedestrian and shared use of non-motorized trails and bicycle routes.

2.8.5.4.1 Active Transportation - Policies

- a) Central Elgin will work towards providing safe bicycle and pedestrian paths, both separated from the roadway, on existing and proposed roads, on abandoned rail corridors, on utility corridors, and within parks and open spaces, as appropriate and in accordance with Subsection 2.5 and 3.1.
- b) Central Elgin will consider adapting roads to provide safer travel for bicycles and pedestrians, where feasible and appropriate.

2.8.5.5 Rail Corridors

Central Elgin supports the continuation of a viable, safe and efficient railway network within the Municipality and the protection of the railway corridors for future generations. This includes the London & Port Stanley railway, which continues to operate as tourist train between Port Stanley and St. Thomas.¹⁴

2.8.5.5.1 Rail Corridors - Policies

- a) The location of the existing railway corridors are clearly delineated on the Land Use Schedules to the Official Plan.
- b) Development adjacent to a railway right-of-way will be carefully controlled to eliminate land use conflicts and ensure the safe and continued operation of the railway. Development proposals shall incorporate safety measures such as fencing and berms and comply with the Land Use Compatibility policies as set out in Subsection 3.9 to this Plan.
- c) Central Elgin supports and encourages economic development opportunities associated with the rail network system, including any potential future inter-modal facilities.
- d) Central Elgin will examine opportunities for the reuse of any abandoned rail corridors for potential re-use in rail operations, or for trail systems and/or potential servicing corridors.¹⁵

2.8.5.6 Port Stanley Harbour

The Port Stanley harbour facility consists of approximately 53 hectares of water lots and 12 hectares of land. A feasibility study and business plan undertaken by Central Elgin recognized that:

- the working waterfront activity and character of the west side of the harbour are beneficial to the community, provided that environmental standards and accepted practices are observed;

¹⁴ Modification No. 11 under Section 17(34) of the *Planning Act*.

¹⁵ Modification No. 12 under Section 17(34) of the *Planning Act*.

- in many respects it is the built form of the harbour, such as the grain silos, that help to define the history and purpose of the Port; and,
- public access to a working harbour, where feasible, is a potential tourist draw.

The preferred development concept identified within the study for the outer east side of the harbour includes park and open space, a transient boat marina, a community hall, commercial fisheries and the extension of Main Street to the water's edge.

2.8.5.6.1 Port Stanley Harbour - Policies

- a) Central Elgin supports the long term viability of the Port Stanley Harbour for commercial fishing, water oriented commercial uses, recreational boating, and uses serving the tourism industry and the travelling public.
- b) Central Elgin supports retaining Port Stanley as a public harbour and to provide depths suitable for commercial fishing and recreational boating while complying with all provincial and federal legislation and regulations.

2.8.5.7 St. Thomas Municipal Airport

The City of St. Thomas acquired ownership of the airport in 1972 from the federal Ministry of Transport. Central Elgin has consistently recognized through its policies the regional significance of the St. Thomas Municipal Airport and the role it can play in attracting and serving industrial and commercial development. The airport is considered an integral component of the overall transportation system serving the communities of Central Elgin and St. Thomas, as well as the greater Elgin County area. Central Elgin Council has established that it supports the continued efforts to maintain and improve facilities at the airport.

The St. Thomas Municipal Airport Master Plan includes a long-term development concept in order to account for development potential that may occur beyond the current planning horizon.

2.8.5.7.1 St. Thomas Municipal Airport - Policies

- a) Central Elgin will continue to work with the City of St. Thomas and the County of Elgin regarding issues related to the airport.
- b) Detailed land use policies for the St. Thomas Municipal Airport lands are contained in Section 4.4.2 of this Plan.

2.8.6 Telecommunications and Utilities

It is anticipated that the continual advancement of telecommunications technology will have a significant positive impact on the future development and economic vitality of Central Elgin.

2.8.6.1 Telecommunication and Utilities - Policies

- a) Central Elgin will protect and enhance existing communication and transmission corridors and networks through planning activities and processes.

- b) Public and private utilities will be permitted in all land use designations and will be installed, where possible, within a public road allowances or within appropriate easements.
- c) Central Elgin will support the service providers and business community in the establishment of a modern telecommunications network.
- d) Central Elgin will promote and encourage the shared and multiple use of telecommunications towers and corridors for utility uses. Central Elgin will also support the use of corridors for transportation, trail, recreational and natural heritage systems uses where appropriate and feasible.
- e) Central Elgin will ensure that adequate utility networks will be established to serve the anticipated development and that these networks can be phased in a manner that is cost-effective and efficient.
- f) Central Elgin will ensure that all large, above-ground utility infrastructure is located and designed to be compatible with surrounding land uses and the environment.
- g) Central Elgin will support the coordinated planning and installation of utilities in initial common trenches, wherever possible, to avoid unnecessary over-digging and disruption of municipal rights-of-ways.
- h) Central Elgin will plan for telecommunications and utilities in all stages of planning for growth and proposed development.

2.8.7 Waste Management

Certain municipal resources are required to manage the solid waste generated by residents and local businesses. Reducing the volume of solid waste through a diversion program will help to ensure sustainability.

2.8.7.1 Waste Management - Policies

- a) Waste management will include waste diversion (composting and recycling), waste disposal and waste as a potential resource. Central Elgin recognizes and supports the Provincial initiative of reducing waste through a diversion action plan, and may initiate its own diversion plan.
- b) Central Elgin shall cooperate with the Province and area municipalities to achieve an effective long-term solution to waste management including promoting waste diversion strategies as well as other alternative waste management techniques.

2.8.8 Financial Management, Capital and Public Works

Funding for municipal operations and capital improvement comes from the local tax base assessment base, development charges and user fees and from Provincial and Federal funding. With limited financial resources available to all levels of government, Central Elgin will ensure that the day-to-day operations continue to be conducted in a fiscally responsible manner and to ensure that the existing tax base does not bear the cost of accommodating new development. Council will prepare annually and adopt without amendment to this Plan, a five year capital works

program in accordance with the policies of this Plan, which will consider changing condition of supply and demand for services, and changes in technology and economics.

2.8.8.1 Financial, Capital and Public Works – Policies

- a) Public infrastructure, buildings, structures, easements or rights-of-ways may be considered within any designated area, subject to addressing appropriate buffering and screening from adjacent land uses.
- b) The co-ordination of services will continue to provide efficient and cost-effective municipal services.
- c) Collaboration with other service providers will continue in order to provide for cost savings in service delivery.
- d) Investments will be made in new technologies that result in reductions in capital and/or operating costs.
- e) Where possible, new municipal facilities will be multi-purpose so that their usage can be maximized.
- f) Where possible, Central Elgin will use financial mechanisms available to it under any legislative authority, including the *Municipal Act*, *Development Charges Act*, *Planning Act* and any other applicable legislation.
- g) Central Elgin may recover all growth-related capital costs through development charges in accordance with Provincial legislation. Central Elgin will use development charges by-laws that apply to Central Elgin as a whole and/or that apply to specific geographic areas within Central Elgin.

2.9 ENERGY

The Province, through the *Green Energy Act*, is committed to fostering the growth of renewable energy projects, which use cleaner sources of energy, and to removing barriers to and promoting opportunities for renewable energy projects and to promoting a green economy. The Province is also committed to ensuring that the Province and the broader public sector, including government-funded institutions, conserve energy and use energy efficiently in conducting their affairs. Furthermore, the Province is committed to promoting and expanding energy conservation by all Ontarians and to encouraging all Ontarians to use energy efficiently.

Goals

- To explore and promote the use of energy conservation techniques and methods.
- To explore and promote the use of renewable energy generation sources.

2.9.1 Energy - Policies

- a) Central Elgin will explore and promote the use of energy conservation techniques and methods.
- b) Central Elgin will explore and promote the use of renewable energy generation sources.
- c) Central Elgin will promote innovative subdivision and site plan designs that minimize energy consumption through road design and lot layouts which maximize alternative and renewable energy sources, and encourage individuals to make use of non-automotive modes of transportation for short trips and/or recreation and leisure activities.
- d) Central Elgin will promote building styles, designs and construction techniques which conserve energy and include high-efficiency heating/cooling and lighting systems, fixtures and appliances.
- e) Central Elgin will promote the landscaping and siting of buildings to provide wind shelters and maximum exposure to sunlight.
- f) Central Elgin will use any energy conservation grants, loans and audit services to retrofit or renovate older buildings and structures within Central Elgin to incorporate energy saving mechanical, electrical and lighting systems.
- g) Central Elgin will encourage developers who choose to incorporate LEED building design and LEED-ND and Low Impact Development approaches to subdivision and site plan design.

2.10 LONG TERM ECONOMIC DEVELOPMENT

This Section of the Plan identifies broad areas of economic activity and community improvement. Economic development policies relating to employment areas, agriculture, natural resources, retail and services are contained throughout the Plan.

Goals

- To direct intensive employment uses to designated Employment Areas.
- To direct commercial, retail and office uses to Urban Settlement Areas and Rural Settlement Areas.
- To work with the County of Elgin to achieve a sustainable, healthy and prosperous economic future for Central Elgin.
- To utilize the Community Improvement provisions of the *Planning Act*, when feasible to proactively stimulate community improvement, rehabilitation and revitalization.

2.10.1 Locations of Economic Activity

Non-Agricultural-related economic activities will be directed to the designated Employment Areas, Urban Settlement Areas and Rural Settlement Areas.

2.10.1.1 Locations of Economic Activity - Policies

- a) Intensive employment uses will be directed to the Employment Areas designated in this Plan.
- b) Commercial, retail and office employment uses will be encouraged in the Urban Development Areas and Rural Settlement Areas.
- c) Commercial uses which support agricultural activities may be permitted in Agricultural Areas where proximity to an agricultural operation is required.
- d) Tourism uses will be encouraged close to areas of natural and recreational amenity, areas of natural heritage appreciation, lakefront areas, and specifically in the Communities of Port Stanley and Sparta, where appropriate.
- e) Central Elgin supports the use of Community Improvement Plans to proactively stimulate community improvement, rehabilitation and revitalization of areas in need of improvement.

2.10.2 Community Improvement

The Community Improvement provisions of the *Planning Act* give Central Elgin a range of tools to proactively stimulate community improvement, rehabilitation and revitalization. In designated Community Improvement Project Areas, the preparation of Community Improvement Plans will provide Central Elgin with various powers to promote community improvement. This includes the authority to offer incentives to stimulate or leverage private and/or public sector investment. There are existing Community Improvement Areas established for the former Villages of Port Stanley and Belmont, and the former Hamlets of Union and Sparta, as shown on the Schedules found in Section 4.

2.10.2.1 Community Improvement - Policies

Community improvement will be accomplished through:

- a) Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, land use conflicts, deficient municipal hard services, or economic instability.
- b) Establishment of programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing, and/or social development issues/needs.
- c) Designation by by-law of Community Improvement Project Areas, the boundaries of which may be the entire Municipality, or any part of Central Elgin.
- d) Preparation, adoption and implementation of Community Improvement Plans, pursuant to the Planning Act.
- e) The designation of Community Improvement Project Areas will be based on one or more of the following conditions being present:
 1. Buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, or redevelopment;
 2. Brownfield or derelict properties in need of remediation and redevelopment;
 3. Non-conforming, conflicting, encroaching or incompatible land uses or activities;
 4. Deficiencies in physical infrastructure including, but not limited to, the sanitary sewer system, storm sewer system, and/or water main system, roads, parking facilities, sidewalks, curbs, streetscapes, and/or street lighting;
 5. Poor road access and/or traffic circulation;
 6. Deficiencies in community and social services including, but not limited to, public open space, municipal parks, indoor/outdoor recreational facilities, and public social facilities;
 7. Inadequate mix of housing types;
 8. Known or perceived environmental contamination;
 9. Poor overall visual quality, including but not limited to, streetscapes and urban design;
 10. High commercial vacancy rates;
 11. Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
 12. Other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and
 13. Any other environmental, social or community economic development reasons.
- f) Community Improvement Plans will be prepared and adopted to:
 1. Encourage the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings;

2. Encourage residential and other types of infill and intensification;
 3. Upgrade and improve municipal services and public utilities such as sanitary sewers, water mains, roads and sidewalks;
 4. Encourage the preservation, restoration, adaptive reuse and improvement of historical or architectural significant buildings;
 5. Encourage the construction of a range of housing types and the construction of affordable housing;
 6. Improve traffic circulation within the Community Improvement Project Areas;
 7. Encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
 8. Promote the ongoing viability and revitalization of the downtowns and main streets in the Urban Areas and Rural Settlement Areas as the focus of pedestrian-oriented retail, civic, cultural, entertainment and government uses;
 9. Promote sustainable development and energy efficiency;
 10. Improve environmental conditions;
 11. Improve social conditions;
 12. Promote cultural development;
 13. Facilitate and promote community economic development; and
 14. Improve community quality, safety and stability.
- g) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans will be given to those areas where:
1. The greatest number of conditions, as established in Subsection 2.10.2.1 e), are present; and/or
 2. One or more of the conditions, as established in Subsection 2.10.2.1 e), are particularly acute; and/or
 3. One or more of the conditions, as established in Subsection 2.10.2.1 e), exist across Central Elgin.
- h) During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies contained in this Plan for notification and public meetings.
- i) In order to implement Community Improvement Plans within designated Community Improvement Project Areas, Central Elgin may undertake a range of actions:
1. The municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent:
 - clearance, grading, or environmental remediation of these properties;
 - repair, rehabilitation, construction or improvement of these properties;

- sale, lease, or other disposition of these properties to any person or governmental authority;
- other preparation of land or buildings for community improvements;
- 2. Provision of public funds such as grants, loans and other financial instruments;
- 3. Application for financial assistance from senior level government programs;
- 4. Participation in any senior level government programs that provide assistance to private landowners for the purposes of community improvement;
- 5. Provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;
- 6. Support of heritage conservation through the *Ontario Heritage Act* and the Heritage Advisory Committee;
- 7. Supporting the efforts of the Chambers of Commerce and Business Improvement Associations to revitalize the downtowns and main streets in the Urban Settlement Areas and Rural Settlement Areas, through the implementation of various programs; and
- 8. Encouraging off-street parking and providing municipal parking facilities where feasible and appropriate.

2.10.3 Community Design

The policies of this Section relate to the built form and physical design of settlement areas. Excellence in community design will be promoted through the review of new development applications in Central Elgin, including plans of subdivision, infill development proposals, site plans and through community improvement.

2.10.3.1 Community Design - Policies

- a) Council may prepare urban design guidelines and standards.
- b) Through the review of development applications, Central Elgin:
 - 1. Will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within Central Elgin;
 - 2. Will promote efficient and cost-effective development design patterns that minimize land consumption;
 - 3. Will promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks;
 - 4. Will encourage tree retention/replacement and open space enhancements; and
 - 5. Will encourage design that considers, and wherever possible continues, existing and traditional street patterns and neighbourhood structure; and may require, at Central Elgin's sole discretion, that proponents submit design guidelines with development applications establishing how the policies of this Plan have been considered and

addressed. Such guidelines may also be required to address related issues of residential street-scaping, landscaping, setbacks, signage, garage placement, and architectural treatment.

6. Will encourage retention and adaptive re-use of existing buildings of cultural heritage value or interest.¹⁶

- c) Measures will be taken to ensure that the permitted uses address compatibility with adjacent land uses. Adequate separation buffering or screening will be provided between any uses where land use conflicts might be expected, such as the provision of grass strips and appropriate planting of trees and shrubs, berms or fence screening, and other means as appropriate. Modifications to building orientation may also represent appropriate buffering measures.
- d) Street-scaping that reflects the intended character of the Settlement Area will be encouraged.
- e) A high quality of architecture and site design for institutional uses such as schools, places of worship, community centres, libraries and other public service buildings will be encouraged.
- f) A high quality of park and open space design will be strongly encouraged. The land for parkland dedication will be carefully selected to facilitate their use as a central focal point for new or existing neighbourhoods.
- g) Public art in Central Elgin will generally be encouraged to incorporate themes supporting and promoting local history, civic pride, businesses and technology.
- h) Central Elgin may undertake the preparation of urban design guidelines to achieve the policies of this Section for all or parts of the Central Elgin, particularly Settlement Areas.
- i) Central Elgin will encourage developers who choose to incorporate LEED-ND and Low Impact Development approaches to community design.

2.10.4 Economic Development

The lead role for economic development is handled by the County of Elgin. The County Economic Development and Tourism Department was established to promote economic growth in the region through attraction, retention and support of new business development. The mandate of the department is to work in partnership with the lower tier communities as well as business, industry and other levels of government to advance the County's economic interests and to seek out strategic opportunities to enhance economic development within the County of Elgin. An Economic Development Plan has been prepared by the County of Elgin, which sets out 4 high level goals. The four goals are as follows:

1. Investment Readiness

The primary objective with this goal is to enhance opportunities for the expansion of local business and the attraction of new business investment and entrepreneurs to the County. Improving the level of investment readiness and capacity of the County and the lower tiers will enable the region to attract and manage investment opportunities.

2. Pursue Partnerships and Outreach in the Community

¹⁶ Modification No. 13 under Section 17(34) of the *Planning Act*.

The primary objective of this goal is to have the County of Elgin take a leadership role in advocating and supporting strategic and collaborative economic development between the County of Elgin, the lower tier communities and other economic development partners.

3. Effective Marketing and Promotion of Elgin County

The primary objective with this goal is to ensure that the County is effectively promoting the assets, talents, and opportunities of Elgin County and enhancing the profile of the County to a targeted audience of visitors and business interests.

4. Growth in Key Industries

The primary objective with this goal is to encourage and support the growth and expansion of the County's existing industry base and create focused opportunities for future investment attraction efforts.

2.10.4.1 Economic Development - Policies

Central Elgin shall collaborate with the County of Elgin to identify action plans to achieve a sustainable, healthy and prosperous economic future for Central Elgin.

2.11 COORDINATION OF PLANNING ACTIVITIES

Central Elgin recognizes the need and importance for cross-jurisdictional coordination of planning activities to ensure a coordinated, integrated and comprehensive approach is used when dealing with planning matters that transcend political and/or jurisdictional boundaries.

Goals

- To work with the Province; County of Elgin; City of St. Thomas and other adjacent municipalities; the Kettle Creek Conservation Area Conservation Authority and the Catfish Creek Conservation Authority; the School Boards; and other agencies when dealing with planning matters that transcend political and/or jurisdictional boundaries.

2.11.1 Coordination of Planning Activities - Policies

- a) To ensure a coordinated, integrated and comprehensive approach is used when dealing with planning matters that transcend political and/or jurisdictional boundaries, including:
1. Managing and/or promoting growth and development;
 2. Managing natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources;
 3. Managing infrastructure, public service facilities and waste management systems;
 4. Managing ecosystem, shoreline and watershed related issues; and
 5. Managing natural and human-made hazards.

2.12 ACCESSIBILITY

In accordance with the *Ontarians with Disabilities Act*, the Councils for the County of Elgin and Central Elgin formed a joint accessibility advisory committee, known as the Elgin/Central Elgin Joint Accessibility Advisory Committee (JAAC). The Committee is comprised of five persons representing all geographic areas of the County of Elgin with the majority of membership being persons with disabilities.

Goals

- To improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of Central Elgin.

2.12.1 Accessibility - Policies

- a) The Joint Accessibility Advisory Committee will prepare an annual Municipal Accessibility Plan every year covering the identification, removal and prevention of barriers to persons with disabilities in by-laws and policies, programs, practices and services.
- b) Central Elgin will 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 involving a provider of goods and services.

2.13 HEALTHY COMMUNITIES

Land use decisions and the way communities are designed can have potential impacts on the lives of the people who live and work in the communities. The physical form of a community can impact its vitality, define its character and shape its ability to attract business and residents. It can also affect the overall physical and mental health of the people who live there. The physical form and development patterns of a community can have significant impact on air pollutants and greenhouse gases, water quality, levels of physical activity, social cohesion and the safety of motorists, pedestrians and cyclists.

Goals

- To encourage land uses that have minimal impact on health, the environment and the overall quality of life in Central Elgin.
- To protect and preserve the natural environment and greenspace including public spaces to encourage social interaction.
- To encourage the use of non-traditional energy systems, the conservation of energy and protection of air quality.
- To encourage compact neighbourhoods that increase density and reduce automobile dependency.
- To provide infrastructure and a built environment that supports active transportation including safe walking and cycling.
- To provide recreational opportunities for all.
- To encourage shade protection at all public and private outdoor venues.

2.13.1 Healthy Communities – Policies

- a) Council will ensure that proposed development is compatible with neighbouring uses from a community health perspective including industrial and commercial emissions, nuisance noise and odour impacts through implementation of the Land Use Compatibility policies located in Section 3.9 to this Plan.
- b) Design standards that require the use of natural and/or naturalized landscapes in new developments to improve air quality throughout the community shall be encouraged.
- c) The Municipality shall encourage, through the land use and transportation planning process, the provision of public access to a range of outdoor settings, including parklands, open spaces and trails to support community health.
- d) Council shall consider the creation of a Municipal Tree By-law and Urban Forestry Plan with particular attention to protecting the community's stock of existing trees, supporting the growth of new trees and expanding the tree canopy in the community.
- e) Council shall encourage compact urban forms that incorporate mixed land uses and promote active transportation, and trip reduction as a means of reducing current dependence on non-renewable resources and improving air quality.

- f) Council shall encourage sustainable green building and development approaches based on best practice criteria such as LEED standards.
- g) Design standards shall be encouraged that reduce auto dependency in the community and provide for the needs of pedestrians and cyclists with the necessary infrastructure to make them safe and convenient through the creation of a network of connected walkways, sidewalks and trails throughout the community.
- h) Barrier-free, aesthetically pleasing pedestrian linkages such as trails, sidewalks and bike lanes between land uses shall be encouraged and maintained as part of the community's urban transportation system to encourage and support recreational and utilitarian active transportation.
- i) Development standards shall be created to support citizens' health by encouraging new developments to integrate sun protection features and landscapes.
- j) Council shall encourage community/urban agriculture initiatives such as community gardens, edible landscaping and roof top gardens in all land use designations as a means of promoting local food security, social interaction and physical exercise.
- k) Council shall encourage neighbourhood designs that include meeting spaces and common areas that address the needs of people of all ages and physical abilities.

2.13.2 Community Gardens

The Municipality of Central Elgin views community gardening as a valuable community resource that promotes a healthy community and local food security. Community Gardens are a sustainable land use that provides an alternative source of economical food production for urban residents. Participation in community gardening contributes to an individual's health and well being, encourages positive social interaction and provides a connection to nature and the environment.

2.13.2.1 Definition

A Community Garden is defined as an area of land used to grow and harvest food crops such as vegetables, berries and fruits and/or non-food, ornamental crops such as plants and flowers by a community group or organization for non-profit purposes. A Community Garden may be tended to communally and/or individually on assigned garden plots.

2.13.2.2 Community Gardens - Policies

- a) Community Gardens are permitted within all land use designations shown on the Land Use Schedules to this Official Plan, subject to the following exceptions:
 - 1. Community Gardens are not permitted on lands within the Natural Heritage designations where the establishment/location of the Community Garden would require the removal of existing trees or vegetation and/or where its location would have a potential negative effect on adjacent natural heritage features.

2. Community Gardens are not permitted on lands within the Natural Hazard designation where the establishment/location of a Community Garden on or adjacent to steep slopes would pose a risk to human life and/or physical property.
- b) The Municipality will support Community Gardens by:
1. offering, where appropriate, the use of Municipally-owned lands as new Community Garden sites, such as vacant, underutilized or undeveloped parcels;
 2. working with community organizations and stakeholders to help identify/secure/retain suitable sites, within Central Elgin, for the development of Community Gardens with consideration being given to the criteria identified in paragraph (c);
 3. partnering with community organizations and stakeholders in the promotion and development of Community Gardens and the preparation of guidelines:
 - for the operation and maintenance of Community Gardens to ensure a safe water supply, suitable soils, adequate parking and that there are no negative impacts on the environment or adjacent lands; and
 - to develop an application process that provides for community consultation.
 4. amending the Zoning By-law(s) to permit Community Gardens in all zones subject to the policies of this subsection, 2.13.2.2.
- c) The following criteria shall be used to assess the location and the suitability of lands for the development of Community Gardens:
1. the location and design of the garden maintains the character of the area;
 2. the garden use is compatible with adjacent land uses;
 3. a community/neighbourhood consultation process indicates adequate support for the garden;
 4. there is access to a water source that is free from pollution, harmful organisms and impurities;
 5. there is access to waste removal;
 6. soil testing and where warranted a Phase 1 Environmental Site Assessment (ESA) has been conducted on a potential Community Garden site to ensure the soil is free from contaminants and suitable for gardening and the production of food;
 7. there is sufficient space and access for pedestrians and automobiles;
 8. there is adequate infrastructure/utilities to service the site; and
 9. the site and the design and layout of the Community Garden provides barrier free access.
- d) The Municipality encourages all local agencies, other public bodies (schools), community groups, institutional and not for profit organizations, churches and individuals who participate in the development of Community Gardens to undertake a community consultation process as the means to promote the awareness of community gardening. Where new Community Gardens are being planned, the proponents of the garden shall undertake to pre-consult with

the residents, businesses and property owners located within proximity of a proposed new Community Garden site to address any potential concerns or issues and ensure that there is adequate community support for the proposed Community Garden.

- e) The development of Community Gardens, as the main use, on vacant privately owned lands within any Residential, Commercial or Industrial designations, as shown on the Land Use Schedules to this Official Plan, may be permitted, subject to the approval of a zoning by-law amendment or a temporary use by-law pursuant to sections 34 and 39, respectively, of the Planning Act, RSO 1990, as amended. All applications for an amendment to the Zoning By-law shall be subject to the policies of this subsection, 2.13.2.2.”

3.0 ENVIRONMENT

This section provides policies related to the natural environment and the protection of those resources, including water resource protection. It also contains policies designed to protect public health and safety from natural hazards and human-made hazards, along with policies related to air quality and waste management. The policies are designed to improve the sustainability and long-term health of Central Elgin's ecosystems by protecting and conserving valuable aquatic and terrestrial resources and their biological foundations.

3.1 NATURAL HERITAGE

The Municipality of Central Elgin contains diverse natural heritage features and areas that are limited in their extent due largely to historic factors such as clearing and draining of land for agriculture and urban development. In order to ensure that the remaining natural heritage features and areas of Central Elgin are managed in a sustainable way, the Municipality supports a natural heritage systems approach by which all natural heritage features and areas are considered to be significant.

To facilitate a natural heritage systems approach to natural heritage planning, natural heritage features and areas have been integrated into one designation, shown as Natural Heritage on the land use schedules. The integration of natural heritage systems, features and areas together in one system is advantageous because it recognizes relationships or overlaps between the various features. Areas designated as Natural Heritage on the land use schedules may consist of one or any combination of these features, including:

Significant Wetlands: as identified by a trained and qualified professional in accordance with the Ontario Wetland Evaluation System and approved by the Ministry of Natural Resources;¹⁷

Significant Woodlands: as identified by the Municipality in cooperation with the local Conservation Authority;

Fish Habitats: as identified by the local conservation authority in cooperation with the Federal Department of Fisheries and Oceans;

Habitat of Endangered Species or Threatened Species: as identified by the Ontario Ministry of Natural Resources through delineation, description and reviewing and approving the work of qualified professionals;

Areas of Natural and Scientific Interests (ANSI's): as identified by the Ministry of Natural Resources in accordance with the ANSI confirmation process;

Significant Wildlife Habitats: as identified and/or approved by the Municipality using guidelines provided by the Ministry of Natural Resources from time to time;

Significant Valleylands: as identified by the Municipality in cooperation with the local Conservation Authority; and

Environmentally Sensitive Areas (ESA's): as identified by the local Conservation Authority.

¹⁷ Modification No. 14 under Section 17(34) of the *Planning Act*.

Further policies regarding each type of natural heritage feature are found in Subsections 3.1.1.1 to 3.1.1.7 to this plan. Natural heritage features that have been identified by the Ministry of Natural Resources, the conservation authority or the Municipality are shown on Schedule “A2” to this Plan.

Goals

- To protect the natural heritage and biological features of provincial, regional and local significance;
- To protect and maintain existing natural heritage corridors and encourage the identification, restoration or improvement of potential natural corridors and linkages; and,
- To improve the sustainability and long-term health of Central Elgin's ecosystems by protecting and conserving valuable aquatic and terrestrial resources and their biological functions.

3.1.1 Natural Heritage - Policies

- a) Permitted uses within the Natural Heritage designation include passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, existing agricultural uses, necessary public utilities and services, and accessory buildings and structures thereto.
- b) New permitted uses, or expansions/enlargements to existing uses, buildings or structures within a Natural Heritage designation that require a Planning Act approval may be permitted only if it can be demonstrated through an Environmental Impact Study (EIS), prepared to the satisfaction of the Municipality in accordance with the policies contained in Section 3.4 of this Plan, that there will be no negative impacts to the natural heritage features and/or their ecological functions.
- c) Central Elgin encourages the preservation, restoration and enhancement of the natural heritage system through public and private initiatives including ecological gifts; planting and naturalization of municipally owned and private lands; terrestrial and aquatic habitat restorations; and the establishment of linkages between features.
- g) The Natural Heritage designation shall not imply that such lands that are in private ownership are free and open to the general public or will be purchased by the Municipality.
- h) To ensure the long term environmental protection of significant natural features and their stewardship, Council may request through the development approvals process that lands designated as “Natural Heritage” be dedicated for public use. These lands are not intended to satisfy the Municipality's requirement for parkland and therefore shall not constitute a parkland dedication to the Municipality of Central Elgin under the Planning Act.

3.1.1.1 Wetland Policies

Wetlands include swamps, marshes, bogs and fens. They are lands that are seasonally or permanently covered by shallow water and lands where the water table is close to or at the surface. Wetlands have hydric soils and hydrophytic or water tolerant plants. Wetlands may be classified as either provincially significant or locally significant through an evaluation by a trained

and qualified professional in accordance with the Ontario Wetland Evaluation System and approved by the Ministry of Natural Resources. Provincially significant and locally significant wetlands are shown on Schedule “A2” to this Plan. All wetlands are designated as Natural Heritage on the Land Use schedules.

Wetlands perform a number of important ecological and hydrological functions and provide an array of social and economic benefits to society. Due to the historic loss of wetlands, the Municipality considers all wetlands to be significant. The following policies shall apply:

- a) Central Elgin shall cooperate with the Ministry of Natural Resources and Conservation Authority to inventory and classify wetlands for protection.
- b) Development and/or site alteration within provincially and locally significant wetlands shall be prohibited. For the purposes of this Plan, site alteration includes the extraction of peat.
- c) Public infrastructure shall avoid provincially and locally significant wetlands, where practical. Provincially and locally significant wetlands shall not be used for stormwater management facilities.
- d) Existing agricultural uses shall be permitted on lands adjacent to all provincially and locally significant wetlands.
- e) Where development and/or site alteration is proposed on or adjacent to lands that have not been evaluated but exhibit wetland characteristics, Council may require an evaluation to be carried out by a trained and qualified professional in accordance with the Ontario Wetland Evaluation System, in addition to any other supporting documentation for a complete application as per Section 5.4 of this Plan.

3.1.1.2 Woodland Policies

Woodlands include treed areas, woodlots or forested areas. Woodlands provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Historically, much of the woodlands in Central Elgin have been cleared for the purposes of agriculture or urban development. In order to protect what remains, for the purposes of this Plan all woodlands greater than 2 hectares in size are considered significant.

Woodlands are shown on Schedule “A2” to this Plan. Their boundaries have been established through interpretation of aerial photography (2005). They are designated as Natural Heritage on the Land Use schedules. Woodlots may contain, or be contained within, other natural heritage features. The following policies shall apply:

- a) Significant woodlands shall be protected from incompatible land uses.
- b) The boundaries of significant woodlands may be refined in a particular subwatershed through the subwatershed study process and/or through area specific Issues Scoping Report and Environmental Impact Study Report. Such refinements shall not require an amendment to this Plan.

- c) Development within or adjacent to woodlands shall be subject to the Natural Heritage Policies of this Plan. Development shall be carried out in a manner that encourages the conservation, protection and management of woodlands.
- d) Special design and site plan practices shall be employed that maximize the protection of woodlands.
- e) In all public works, no trees shall be removed unnecessarily and trees that must be removed to carry out the works shall be replaced by other trees in sufficient amounts and maturity to compensate for the losses.
- f) When approving a residential development, redevelopment or a plan of subdivision, Central Elgin shall enter into an agreement with the applicant whereby:
 - i) only trees that directly impede the construction of buildings and services may be removed and the subdivider shall replace them in sufficient amounts and maturity to compensate for the losses;
 - ii) setbacks from significant woodlands shall be required ;
 - iii) the protection, maintenance and enhancement of existing woodlands shall be required; and
 - iv) only contour changes as are directly necessary for the construction of buildings and services shall be carried out so that as much topographic variation as possible is maintained to enhance the appearance of the subdivision. However, nothing shall prevent the moving of earth and rock as a necessary part of any landscaping.
- g) Grading shall be carried out in a manner that minimizes direct destruction of trees as well as indirect destruction due to soil compaction, lowering of water table or damage to the root system.
- h) Good forestry practices as defined under the Forestry Act shall be promoted in all private and public woodland areas.
- i) Central Elgin shall promote reforestation and naturalization in all private and public lands where appropriate. Central Elgin may pass a tree by-law in accordance with the enabling legislation.

3.1.1.3 Fish Habitat Policies

Many of the Municipality's watercourses and water bodies as shown on Schedule "A2" and the Land Use schedules provide fish habitat. In addition to supporting aquatic biodiversity, healthy fish communities contribute to the economic and social interests of the Municipality, supporting sport fisheries as well as commercial and tourism-based industries. Maintaining healthy fish communities also protects associated aquatic species, as well as ecological processes and aesthetic and natural values that many people consider important. The following policies shall apply:

- a) Fish habitat shall be protected from incompatible land uses.
- b) Fish habitat areas may be identified in a particular subwatershed through the subwatershed study process. Setbacks for development from those watercourses shall be required. Those

setbacks shall be defined through the preparation of a site and/or area specific Issues Scoping Report and Environmental Impact Study Report that identifies the measures necessary to mitigate the impacts of adjacent development on those fish habitat areas. Those studies shall be prepared to the satisfaction of Central Elgin, the Approval Authority and the Federal Department of Fisheries and Oceans.

- c) Fish habitat areas shall be protected from the effects of storm water and run-off from new development through the implementation of appropriate storm water management techniques on both a site and subwatershed area basis.
- d) Storm water management facilities such as artificial wetlands shall be designed to maintain water quantity and quality from storm water run-off at levels suitable for the long-term survival of indigenous fish species.

3.1.1.4 Species at Risk Policies

Species at Risk are identified as extirpated, endangered, threatened or species of special concern on the Species at Risk in Ontario (SARO) List. The Ministry of Natural Resources (MNR) administers the Endangered Species Act, 2007 to protect and conserve species at risk and their habitats. MNR is responsible for giving technical advice on species identified on the SARO List and their habitats, and for approving the delineation of significant habitat for species identified as endangered and threatened.

- a) Subwatershed studies and/or Environmental Impact Studies will identify the extent of the significant habitat of endangered species and/or threatened species for review and approval by MNR.¹⁸
- b) Development and site alteration shall not be permitted in the significant habitat of endangered species and/or threatened species, except for an activity for which a permit has been issued under Section 17 of the Endangered Species Act, 2007 as amended.
- c)¹⁹ The significance of the habitat of endangered species and/or threatened species will be based on an evaluation of the following considerations:
 - i) Assessments reviewed by the Ministry of Natural Resources regarding the extent of the species' habitat;
 - ii) Habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle; and
 - iii) Species specific requirements identified in recovery plans, habitat regulations (Endangered Species Act)²⁰ or management guidelines, or Department of Fisheries and Oceans (DFO) approvals, or through an Environmental Impact Study.

¹⁸ Modification No. 15(i) under Section 17(34) of the *Planning Act*.

¹⁹ Modification No. 15(ii) under Section 17(34) of the *Planning Act*.

²⁰ Modification No. 15(iii) under Section 17(34) of the *Planning Act*.

3.1.1.5 Areas of Natural and Scientific Interest (ANSI) Policies

Areas of Natural and Scientific Interest (ANSI's) represent high quality and unique life science and earth science features across a variety of landscapes throughout the Province. Life Science Areas of Natural and Scientific Interest are significant representative segments of Ontario's biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments. Earth Science Areas of Natural and Scientific Interest include the best representative of bedrock, fossils and glacial landforms.

There are two Provincial Life Science Area of Natural and Scientific Interest in Central Elgin. The Hawk Cliff ANSI is ranked as regionally²¹ significant and internationally significant for hawk viewing. The Catfish Creek Slope and Floodplain Forest ANSI is part of a 233 hectare Carolinian Canada Signature Site and is home to some of the most endangered habitat in Canada. There are locally significant Life Science ANSI's within Central Elgin, including Barnum's Gully, Salamander Woods (Dexter Woodlot) and the Showy Orchis Hillside.

There are three Provincial Earth Science ANSI's including the Port Stanley Till ANSI, which forms the Tillsonburg, Norwich, St. Thomas and Ingersoll moraines; the Sparta Raised Beaches ANSI, which exhibit late Wisconsinan, Port Huron Stadial, Lake Whittlesey Bluff and Lake Warren beach bars; and the Sparta Moraine ANSI, which features a rare outcropping of the underlying Catfish Creek Till.

Provincially significant Life Science and Earth Science ANSI's are shown on Schedule "A2". Life Science ANSI's are largely coincident with other natural heritage features such as significant woodlots and significant valleylands, and fall within the Natural Heritage designation in the Land Use schedules. Earth Science ANSI's are considered for the purposes of this Official Plan to be a part of the Natural Heritage fabric of the Municipality, but due to their space extensive nature and the restrictive nature of the Natural Heritage policies found in Subsection 3.1.1, are rather treated as overlays in which the underlying land use designation applies, subject to the policies of this subsection.

- a) The significance of Areas of Natural and Scientific Interest will be evaluated in accordance with Provincial criteria.
- b) Development and site alteration are not permitted in a significant ANSI unless it has been demonstrated that there will be no negative impacts on the feature or its ecological functions.
- c) Notwithstanding the provisions of Section 3.4 to this Plan, where development or site alteration is proposed within or adjacent to an Earth Science ANSI an ISR or EIS prepared to demonstrate that there will be no negative impacts should:
 1. Assess the feature within the broader context of the geology of the area;
 2. Recognize the reasons why the site is geologically important; and
 3. Identify how the proposed development will preserve the features that made the site significant.

²¹ Modification No. 16 under Section 17(34) of the *Planning Act*.

3.1.1.6 Wildlife Habitat Policies

Habitat fragmentation due to agricultural clearing or urban development has affected many groups of species including area-sensitive birds and amphibians that breed in vernal forest pools. The loss of wildlife habitat may result in the loss of species locally or reductions in the size of their populations, with impacts that go well beyond the boundaries of the habitat that has been directly affected.

Significant wildlife habitat often coincides within other natural heritage features and areas such as significant wetlands, woodlots or ANSI's. For this reason, identification and evaluation of significant wildlife habitat is often best undertaken after these other natural heritage features have been identified.

- a) The significance of wildlife habitat will be evaluated in accordance with Provincial criteria.
- b) Development and site alteration are not permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the features or their ecological functions.
- c) Where other natural heritage features and areas have been identified, a proponent may not have to identify significant wildlife habitat in these features, provided that:
 1. the feature(s) are already protected under the policies of this Plan as they apply to such features and areas;
 2. the ecological function of the adjacent lands of the feature(s) is evaluated and appropriate protection measures are in place so that there will be no negative impacts on the feature or its ecological function; and
 3. the proponent must consider the significant wildlife habitat functions of these features as part of any development.²²

3.1.1.7 Valleylands Policies

Valleylands are areas of water conveyance, attenuation, storage and release, characterized by shifting patterns of erosion and deposition that result in short- and long-term cycles of change. Valleylands that are relatively undisturbed have greater natural heritage value than disturbed valleylands. Valleylands that have a high proportion of natural vegetation cover also help buffer waterbodies from the effects of agricultural land use and urban development. Valleylands provide terrestrial and aquatic linkages within the watershed, and provide important corridors, allowing for the natural movement and dispersal of aquatic and terrestrial plants and animals.

Valleylands vary in type and size in the Municipality from narrow, shallow meander belts in the north to broad, deep valleys in the south. Significant valleylands often coincide with other natural heritage features and areas such as significant wetlands, woodlots or ANSI's. For this reason, identification and evaluation of significant valleylands is often best undertaken concurrent with the identification of these other natural heritage features.

²² Modification No. 17 under Section 17(34) of the *Planning Act*.

Most valleylands in the Municipality are subject to the regulations of the local conservation authority. The Natural Hazard overlay as shown on the Land Use schedules shall be used to approximate the limits of valleylands. The following policies shall apply:

- a) The boundaries of significant valleylands may be refined in a particular subwatershed through the subwatershed study process and/or through area specific Issues Scoping Report, Environmental Impact Study Report or geotechnical analysis. Such refinements shall not require an amendment to this Plan.
- b) Development and site alteration are not permitted in significant valleylands unless it has been demonstrated that there will be no negative impacts on the features or their ecological functions.
- c) Where other natural heritage features and areas have been identified coincident with a valleyland, a proponent may not have to identify the significant valleyland, provided that:
 1. the feature(s) are already protected under the policies of this Plan as they apply to such features and areas;
 2. the ecological function of the adjacent lands of the feature(s) is evaluated and appropriate protection measures are in place so that there will be no negative impacts on the feature or its ecological function; and
 3. the proponent must consider the significant valleyland functions of these features as part of any development.²³

3.1.2 Adjacent Lands

Adjacent lands include those lands within 120 metres of an area designated as “Natural Heritage” on the Land Use Schedules, or within 50 metres of an Earth Science ANSI shown on Schedule “A2”.

- a) Where development or site alteration is proposed on adjacent lands:
 1. The proponent shall demonstrate to the satisfaction of the Municipality that there will be no negative impacts to the natural features and/or functions for which the area is designated;
 2. The proponent may be required to submit studies and documentation satisfactory to the Municipality in support of the proposed development, in accordance with the policies of Subsections 3.4 and 5.4 to this Plan; and
 3. The Municipality may seek advice from the local conservation authority and/or other relevant agencies in determining if there will be no negative impacts to the features and/or functions. The Municipality shall consult with the local conservation authority on all development applications within 120 metres of a wetland.
- b) Where new development or site alteration is proposed that would change the use(s) or the density or intensity of development within an area that has already been subject of an EIS, an addendum to the EIS shall be required in accordance with the policies of this Plan to demonstrate that the proposed development or site alteration will not negatively impact the natural heritage features and/or their functions.

²³ Modification No. 18 under Section 17(34) of the *Planning Act*.

- c) Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue on lands adjacent to the Natural Heritage designation. New agricultural and agriculturally-related uses that require approval under the Planning Act will be permitted on lands adjacent to the Natural Heritage designation provided it has been demonstrated through an EIS to the satisfaction of the Municipality, that there will be no negative impact on the natural heritage features or their ecological functions.

3.2 NATURAL HAZARDS

The Natural Hazards designation as shown on the land use schedules is not a specific land use category, but shall be interpreted as a performance category in which the policies of this section are to apply in conjunction with the policies of the underlying land use designation.

Hazard lands have inherent potential for environmental hazards such as flood susceptibility, instability and other physical conditions that, if severe enough and developed upon or adjacent to, could pose a risk to human life and physical property. Natural hazards areas are comprised of river and stream valleys, shorelines, watercourses, wetlands and hazardous lands such as floodplain areas (riverine and shoreline), erosion hazard limit (steep slopes, shoreline bluffs) and the dynamic beach. Some areas may be subject to more than one hazard type, and/or may be within a “Natural Heritage” designation and subject to the policies of Subsection 3.1 to this Plan. All lands within the Natural Hazard designation are subject to the regulations of the respective conservation authority.

Goals

- To minimize risk to human life and physical property from hazards such as flooding and erosion; and
- To identify opportunities for limited and controlled development on flood plain lands and in proximity to steep slopes in accordance with accepted engineering standards, where such development would be safe and appropriate.

3.2.1 Natural Hazards – Policies

- a) The Natural Hazards designation shown on the land use schedules identifies those lands which exhibit or potentially exhibit a hazardous condition due to their susceptibility to flooding, erosion, subsidence, slumping, inundation or the presence of steep slopes or other physical limitations.
- b) Where the Natural Hazard designation is contained within, overlaps or is coincident with the limits of another land use designation, the uses permitted in the Natural Hazard designation shall be the same as those permitted in the underlying land use designation, subject to the policies of this Plan.
- c) Within the Natural Hazard designation no buildings, structures or additions thereto shall be permitted, with the exception of buildings or structures required for flood control, erosion control or other conservation purposes, without the approval of the Municipality and the conservation authority having jurisdiction in the area.
- d) Where development and/or site alteration is proposed on lands adjacent to the Natural Hazard designation, the site specific limits of the natural hazard(s) shall be determined through relevant studies prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies to the satisfaction of the Municipality and the conservation authority having jurisdiction in the area. Those limits shall be interpreted as the correct limits of the Natural Hazard designation and such interpretation shall not require amendment to this Plan.

- e) Development and site alteration in support of new institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, essential emergency services such as fire, police and ambulance stations, and electrical substations shall not be permitted within the Natural Hazards designation.
- f) Measures taken to address natural hazard conditions within a Natural Heritage designation shall be subject to the Natural Heritage policies as set out in Subsection 3.1 to this Plan. In this regard, the Municipality shall be satisfied that the proposed measures will have no negative impact on the identified features or their ecological functions.

3.2.2 Erosion Hazard Limit

The Natural Hazard designation shown on the land use schedules includes those areas in which there may be potential for risk to life and property as a result of erosion hazards. The Erosion Hazard Limit is determined using the 100 year erosion rate (the annual rate of recession extended over a hundred year time span), an allowance for slope stability and an erosion access allowance to be no less than 6 metres.

- a) Where expansion, enlargement or reconstruction is proposed for existing buildings and structures located within the Erosion Hazard Limit, the proponent shall complete a geotechnical analysis to determine if the expansion, enlargement or reconstruction can safely take place, and any specific recommendations or conditions to be implemented as part of the proposed construction. The analysis is to be prepared by a qualified professional having recognized expertise in the appropriate principles using accepted methodologies and approved by the Municipality and the Conservation Authority.
- b) Where new development and/or site alteration is proposed within 30 metres of a Natural Hazard designation shown on the land use schedules:
 - 1. The proponent shall complete a geotechnical analysis to determine the Erosion Hazard Limit. The analysis is to be prepared by a qualified professional having recognized expertise in the appropriate principles using accepted methodologies and approved by the Municipality and the Conservation Authority.
 - 2. The Erosion Hazard Limit shall be interpreted as the correct limits of the Natural Hazard designation and such interpretation shall not require amendment to this Plan.
- c) The Municipality does not permit the use of stabilization works as a means to adjust the Erosion Hazard Limit for the purposes of increasing the potential development envelope or permitting new development and/or site alteration within the Erosion Hazard Limit.

3.2.3 Floodplain

The Municipality of Central Elgin lies within the Kettle Creek and Catfish Creek watersheds. The floodplain, or regulatory flood standard, in both watersheds is based on the flood limits defined by the Hurricane Hazel storm event as described within the regulations of the respective conservation authorities. With the exception of the Community of Port Stanley, a one-zone concept of floodplain management is practiced by which the entire floodplain is considered a floodway and subject to the same policies. In recognition of the existing historical development in

the floodplain within Port Stanley, a two-zone concept of floodplain management is practiced by which the floodplain is divided into two zones referred to as the floodway and the flood fringe.

The following policies shall apply when reviewing development applications involving lands within or partly within the floodplain:

(i) One Zone Concept

No new development and/or site alteration shall be permitted within the floodplain, save and except for that which has been approved by the Municipality and the local Conservation Authority, including:

1. That which is required for flood and erosion control purposes;
2. Infrastructure; and
3. Additions to, or replacement of, existing buildings and structures which have been damaged or destroyed by natural forces other than flooding, or which require replacement or repair due to old age”.

(ii) Two Zone Concept (Community of Port Stanley)

1) Kettle Creek Floodway

The Kettle Creek Floodway represents the 100 year hydraulic floodway defined by the Kettle Creek Conservation Authority through study and is that portion of the floodplain required for the safe passage of flood flows or where flood depths or velocities pose the most significant threat to life or property damage. The following policies shall apply:

- a) The Kettle Creek Floodway is shown on Schedule G2. No development or site alteration shall be permitted within the floodway, save and except for the following as approved by the Municipality and the local conservation authority:
 1. boat ramps and docks;
 2. water oriented recreational uses;
 3. parks;
 4. flood and erosion control structures;
 5. general landscaping; and,
 6. infrastructure.
- b) New development and/or site alteration shall not impede in any way the flows and levels of flood waters.
- c) Development and/or site alteration shall be subject to the flood plain policies of this Official Plan as set out below.

2) Kettle Creek Flood Fringe

The flood fringe shall be defined as the area beyond the floodway and includes the remaining lands in the Kettle Creek floodplain that are susceptible to flooding by the Regional Storm Event. The following policies shall apply:

- a) Notwithstanding the other land use designations on the lands in the Kettle Creek Flood Fringe as shown on Schedule G2, the uses permitted shall include all of the permitted uses within those designations.
- b) Prior to the issuance of building permits for permanent structures or buildings, applicants shall submit to Central Elgin and the Kettle Creek Conservation Authority for review and approval, building plans for floodproofing measures prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies. Floodproofing measures shall include adequate means of access/ingress during times of a flooding emergency.

3.2.4 Lake Erie Shoreline

The shoreline of Lake Erie presents potential hazards that are unique to the lake/land interface. These include eroding high bluffs at the west end of Port Stanley and re-commencing at the easterly limits of Port Stanley through to the easterly limits of the Municipality, and flood uprush and dynamic beach hazards inherent to the beach areas of Port Stanley. The following policies shall apply:

(i) Bluff Hazard Limit

The Bluff Hazard Limit is defined as the 100-year erosion rate (the annual rate of bluff recession extended over a hundred year time span), plus an allowance for slope stability, plus an erosion access allowance to be no less than 6 metres. The Bluff hazard Limit is subject to the regulations of the local conservation authority. The following policies shall apply:

- a) No new development and/or site alteration shall be permitted within the Bluff Hazard Limit.
- b) Buildings and structures which are required for erosion control purposes and infrastructure approved by the Municipality and the appropriate Conservation Authority are permitted within the Bluff Hazard Limit.
- c) In areas where existing development is located within the Bluff Hazard Limit:
 1. Replacement or relocation of existing buildings and structures may be permitted subject to the review and approval of the Municipality and the local Conservation Authority.
 2. A bluff erosion analysis may be required to support proposed development and/or site alterations within the Bluff Hazard Limit.
 3. The development shall also comply with the other applicable policies of this Plan and with the zoning by-law.

- d) Where new development and/or site alteration is proposed within 30 metres of the Bluff Hazard Limit shown on the Schedule A:
 - 1. The proponent shall prepare a bluff erosion analysis. The analysis is to be undertaken by a qualified professional having recognized expertise in the appropriate principles using accepted methodologies and approved by the Municipality and the Conservation Authority, to determine the specific location of the Bluff Hazard Limit.
 - 2. The Bluff Hazard Limit as determined through such study shall be interpreted as the correct limits and such interpretation shall not require amendment to this Plan.
- e) The Bluff Hazard Limit shall be recognized in a separate category in the Zoning By-law.

(ii) Regulatory Flood Uprush

- a) All development on the lands within the Lake Erie Regulatory Flood Uprush as shown on Schedule G2 to this Plan shall be floodproofed to the 1:100 year flood uprush level of 176.8m Geodetic Survey of Canada.
- b) Prior to the issuing of building permits, plans and designs for floodproofing measures shall be submitted to the Municipality for review. All plans and designs for floodproofing shall be prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies.
- c) All plans and designs for floodproofing measures shall also be submitted to the Kettle Creek Conservation Authority for review and approval.
- d) The Regulatory Flood Uprush shall be recognized in a separate category in the Zoning By-law.

(iii) Modified Regulatory Flood Uprush

In addition to the policies of (ii) above, the following special policies shall apply to new development and additions to existing development within the Modified Regulatory Flood Uprush as shown on Schedule G2 on the south side of Edith Cavell Boulevard. Further policy is required for this area in order to emphasize the greater risk and possibility of damage associated with closer proximity to the water's edge, the possibility of greater wave penetration and the unconsolidated nature of the underlying soil:

- a) All development and site alteration, including required floodproofing measures, that is permitted within the Modified Regulatory Flood Uprush shall be designed and constructed under the supervision of an engineer with experience in coastal processes.
- b) Additions to existing dwellings must take place first on the least exposed part of the lot. This means on the north side of the dwelling and where this is not feasible, on the east and west sides.

- c) Where additions described above are not possible due to site specific constraints, additions on the south side may be permitted, subject to a site review by an engineer with experience in coastal processes. In no circumstances shall an addition be permitted that extends into the Regulatory Dynamic Beach Standard.
- d) Development on vacant lots shall also be directed to the least exposed part of the lot, and the southerly extent of development shall be determined by the northerly limits of the Regulatory Dynamic Beach Standard.
- e) The Modified Regulatory Flood Uprush shall be recognized in a separate category in the Zoning By-law.

(iv) Regulatory Dynamic Beach

The Regulatory Dynamic Beach Standard as shown on Schedule G was determined by the Port Stanley Beach Management Study, and is comprised of an active beach zone and an allowance for foredune formation. The following policies shall apply:

- a) Within the Regulatory Dynamic Beach Standard designation as shown on Schedule G, permitted uses shall be limited to passive recreational activities, flood or erosion control, conservation uses, beach management practices and public safety uses approved by the Municipality and the Kettle Creek Conservation Authority.
- b) Where land is shown as Regulatory Dynamic Beach Standard on Schedule G to this Plan, it recognizes that the lands have inherent environmental hazards due to a combined influence of flooding and a dynamic beach allowance, which pose an unacceptable risk to development due to their instability or by virtue of their size offer a natural protection to landward areas.
- c) Where the Regulatory Dynamic Beach Standard is applied to privately owned lands it shall not imply that such lands are free and open to the general public or that there is any obligation for the Municipality or any other public agency to purchase the lands.
- d) The development and stabilization of dunes is a component of proper beach management. Dune development projects undertaken by a co-operative effort of the Municipality of Central Elgin, the Kettle Creek Conservation Authority and community groups in public areas shall be encouraged. Private residents should be encouraged to develop dunes in private beach areas.
- e) The Regulatory Dynamic Beach Standard shall be recognized in a separate category in the Zoning By-law.

3.3 WATER RESOURCES

Central Elgin contains several creeks and streams, draining to Lake Erie. The two major watershed systems include the Kettle Creek watershed and the Catfish Creek Watershed Area. Both watersheds support a diverse, predominantly warm water fishery.

The Community of Belmont and the majority of the rural population rely on municipal groundwater systems or private groundwater wells for residential, agricultural and some commercial/industrial uses.

Goals

- To protect water resources from contamination and degradation associated with certain land uses and activities.
- To sustain and enhance the surface and ground water resources of the Municipality for the benefit of its current and future residents.
- To protect, improve or restore the quality and quantity of water
- To identify 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
- To maintain linkages and related functions among surface water features, ground water features, hydrologic functions and natural heritage features and areas.
- To recognize the important role of water resources in sustaining a healthy and diverse fishery.

3.3.1 Watershed and Subwatershed Studies

Central Elgin recognizes the watershed as an ecologically meaningful scale for planning and supports subwatershed planning as an important tool in promoting the efficient and sustainable use of water resources. The following policies shall apply:

- a) Central Elgin supports the preparation of subwatershed management plans and the use of regional stormwater quality/quantity management facilities to assist in water resource and land use planning on an ecosystem basis. Central Elgin will work cooperatively with adjacent municipalities, the Conservation Authorities and affected/benefitting landowners as required in the preparation and implementation of watershed and subwatershed plans. Subwatershed studies are required prior to new development outside of the built area in all urban settlement areas.
- b) Subwatershed plans will generally be scoped as to their content prior to study commencement. The Plan shall comprise a program of management strategies, measures and actions designed to protect, enhance and sustain the subwatershed's natural features and ecological functions, restore those features and functions that have been degraded and guide future development to ensure the long term health of the environment is maintained and/or enhanced as the lands are urbanized. The following is provided as general guidance for the preparation of these studies when required:

1. A description of the location, spatial extent, present status, significance and sensitivity of the natural environment within the subwatershed including;
 - quantity and quality of surface water and ground water;
 - aquatic and terrestrial habitat;
 - fisheries and wildlife communities;
 - soils and geomorphology;
 - their linkages.
 2. The goals and objectives for management of the subwatershed;
 3. Identification of natural features/areas and hazard lands and the recommendation of appropriate environmental management strategies;
 4. Identification of lands where development should not be permitted and where development may be permitted subject to site-specific environmental studies to identify measures to mitigate the potential impacts of development;
 5. Identification of Stormwater Best Management Practices for the subwatershed including options for regional facilities;
 6. Establishment of a subwatershed management strategy and plan for implementing the selected environmental and development practices; and
 7. Identification of implementation mechanisms involving official plan policies, zoning, plans of subdivision, etc.
- c) Where development and/or site alteration is proposed in an area where a subwatershed study has been prepared:
1. Central Elgin shall determine:
 - (i) in consultation with the appropriate agencies, if the subwatershed study is consistent with policy statements issued under the authority of the Planning Act, and therefore meets Provincial interest, and
 - (ii) if the subwatershed study meets with the policies of this Plan, or
 - (iii) if an update or addendum to the study is required.
 2. Proposed development shall not proceed until any required update/addendum is completed to the satisfaction of the Municipality in consultation with the appropriate agencies.
 3. Development and/or site alteration shall comply with the recommendations and strategies of the subwatershed study and/or its update/addendum.
 4. Area specific recommendations from the existing subwatershed study may be found in Subsection 4.7 - Individual Community Land Use Plans to this plan

3.3.2 Stormwater Management

- a) Central Elgin will require stormwater quality and quantity management control for all proposed developments in accordance with the Ministry of the Environment’s Stormwater Planning and Design Manual and the Central Elgin Infrastructure Design Guidelines and Construction Standards, as may be revised from time to time. A Certificate of Approval under the Ontario Water Resources Act may be required prior to the implementation of proposed stormwater management works.
- b) Stormwater management facilities shall be located and designed on the basis of recommendations identified in a subwatershed study or master drainage plan. Where a subwatershed study or master drainage plan has not been completed, Central Elgin shall require that a Stormwater Management Concept Plan be completed to the satisfaction of the Municipality in consultation with the appropriate agencies. The Stormwater Management Concept Plan shall include:
 1. Provisions to mitigate the impact of proposed development on the environment and on existing overland stormwater flow;
 2. Provisions to control erosion, sedimentation, and pollution likely to result from development projects;
 3. Provisions to reduce on-site and downstream surface ponding and flooding;
 4. Provisions to protect and enhance water quality and base flow in receiving watercourses;
 5. Provisions to protect groundwater recharge/discharge areas;
 6. Provisions to reduce the total cost of a stormwater drainage system and its related works; and
 7. Any other criteria or guidelines which may be required to regulate development in order to achieve effective stormwater management in the subcatchment or tributary.
- c) Central Elgin shall encourage minimizing the number of stormwater management facilities, and will encourage the use of regional stormwater management facilities where feasible.
- d) A proponent of development and/or site alteration may be required to submit a Stormwater Management Functional Report to demonstrate how the recommendations of the Subwatershed Study, Master Drainage Plan or Stormwater Management Concept Plan will be implemented. The Stormwater Management Functional Report shall contain any or all of the following information:
 1. An assessment of how the proposed development will address the stormwater management issues, best management practices, development criteria and stormwater targets identified in the applicable Subwatershed Study, Master Drainage Plan or Concept Plan, if such exists;
 2. A plan for the provision of site-specific stormwater drainage facilities to accommodate the proposed development;
 3. A plan for the control of erosion and sedimentation to minimize the impact of the proposed development on any watercourse; and
 4. A grading plan for the proposed development.

- e) A Stormwater Management Plan and/or Report shall be reviewed and approved by the Ministry of Transportation (MTO) for those developments located adjacent to or in the vicinity of a Provincial Highway whose drainage may impact a highway.

3.3.3 Source Water Protection

Central Elgin will support initiatives of the Ministry of Environment, the Conservation Authorities and other agencies, in identifying strategies to protect groundwater resources. The Municipality recognizes the role of the Catfish Creek and Kettle Creek Conservation Authorities as a Source Water Protection Authority. Assessment Reports have been completed and approved by the Ministry of the Environment for both Source Protection Areas. Those assessments concluded that there are currently no drinking water issues identified in Highly Vulnerable Aquifers or Groundwater Recharge Areas. The Kettle Creek Source Protection Area Assessment Report, dated April 14, 2011 as may be amended, has identified on mapping the limits for the Belmont Water Supply Distribution System Wellhead Protection Area and the Elgin Area Primary Water Supply System Intake Protection Zone and concluded that there are no existing issue-based threats identified for either.

Belmont Wellhead Protection Area (WPA) – Represents the areas within the aquifer that contribute groundwater to the well and is comprised of four areas including a 100m radius from the wellhead and the 2, 5 and 25 year time of travel capture zones. All lands in Central Elgin that are within the WPA for the Belmont Water Supply Distribution System are inside the 5 year time of travel zone as identified on maps within the Kettle Creek Source Protection Area Assessment Report.

Elgin Area Primary Water Supply System Intake Protection Zones (IPZ) - There are two Intake Protection Zones identified on maps within the Kettle Creek Source Protection Area Assessment Report. IPZ1 is entirely within Lake Erie and is based on a 1000m circle surrounding the intake crib. IPZ2 includes all area within water bodies that may contribute to the intake with a minimum 2 hour time of travel; storm sewer sheds that drain towards the intake; and, land areas abutting the IPZ not more than 120m inland or the area regulated by the local conservation authority, whichever is greater.

Vulnerability scores have been assessed for areas within the WPA and IPZ and are summarized within tables in the assessment report. The vulnerability assessment is based upon activities that are considered by the Ministry of the Environment (MOE) to be a significant threat to municipal source water. These activities are summarized in tables maintained by the MOE and accessible through the Source Protection Committee website at www.sourcewater.ca.

The Municipality is cooperating with the Lake Erie Region Source Protection Committee in developing a Source Water Protection Plan. It is anticipated that this Plan will be amended to include policies based upon the recommendations of the Source Water Protection Plan, when it has been completed and endorsed by Council. In the interim, to ensure that proposed development within the Belmont Wellhead Protection Area as identified on Schedule “SW1” or Intake Protection Zone as identified on Schedule “SW2” to this Plan does not pose a potential significant threat to source water, the following policies shall apply:

a) Where proposed development includes activities identified by MOE as a potential threat to municipal source water, the proponent shall be required to prepare, in addition to any other supporting documentation required to ensure a complete application as per Subsection 5.4 of this Plan, the following:

1. Disclosure Report

This report shall detail the nature, activities and operations of the proposed development/use, including:

- the nature of the proposed use;
- its associated required services and facilities;
- the activities and operations to be conducted on-site; and
- the substances and their quantities to be used or stored on-site.

2) Detailed Hydrogeological Study (Wellhead Protection Area only)

This study shall be in the form of a technical report prepared by a qualified professional (e.g. hydrogeologist) using protocols acceptable to the Ontario Ministry of the Environment. The study shall:

- predict the net groundwater and/or surface water quality impacts likely to occur on the subject property, on down-gradient properties and on the municipal well;
- address cumulative impacts of development in the Wellhead Protection Area; and
- include mitigating measures for the design, construction and post-construction monitoring of the proposed use.

3) Spill Prevention and Contingency Plan

This plan should outline design measures, facilities and procedures to avoid and mitigate the effects of spillage of any contaminants.

b) Where the impacts of the use cannot be adequately mitigated within an acceptable risk to groundwater and surface water quality to the satisfaction of the Municipality, the use shall not be permitted.

3.4 ISSUES SCOPING REPORTS AND ENVIRONMENTAL IMPACT STUDIES

Environmental Impact Studies (EIS) are required to demonstrate that proposed development and/or site alteration will not have a negative impact on natural heritage features and their ecological functions. Issues Scoping Reports (ISR) assess the significance of existing natural heritage system features and functions and define the scope of the EIS by identifying and describing the potential cumulative effects of development.

- a) Issues Scoping Reports and Environmental Impact Studies shall be prepared in accordance with guidelines prepared by Central Elgin in consultation with appropriate agencies.
- b) Issues Scoping Reports and Environmental Impact Studies shall be prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies.

3.4.1 Issues Scoping Reports - Policies

- a) An Issues Scoping Report shall include the following:
 - Location map;
 - Project description with enough detail to accurately predict impacts;²⁴
 - Description of the natural area potentially being affected;
 - Background information of the site and adjacent lands;
 - Relevant municipal or agency requirements;
 - Identification of potential issues and ecological linkages, natural processes and study area boundaries;
 - Potential cumulative effects of development;
 - Determination of information needs and availability of information; and
 - Determination of the nature and extent of additional information or studies that may be needed.
- b) The ISR shall include recommendations on the following options for further action:
 1. Proceed to a full or scoped EIS, the details for which shall be summarized in a Terms of Reference that provides a starting point for the EIS.
 2. In areas where there is existing development, whether a full/scoped EIS is required or if development may proceed, subject to recommendations for site-specific mitigation measures to address any minor potential impacts.

3.4.2 Environmental Impact Studies - Policies

An Environmental Impact Study shall be prepared in accordance with the guidelines prepared by Central Elgin, and shall include the following:

²⁴ Modification No. 19 under Section 17(34) of the *Planning Act*.

1. Description of the Existing Natural Environment:
 - Detailed inventories of the aquatic and terrestrial features, communities, and their characteristics on and through the site, including a description of the methodology and techniques used to conduct the inventory;
 - Identification of any ecological and physical functions and processes occurring on and through the site;
 - Identification of any existing man made features and existing impacts;
 - A discussion of the environmental significance of the natural features and key heritage areas, linkages and ecological processes within the proposed development area, and their significance; and
 - A discussion on adjacent natural heritage features and key natural heritage areas that may be impacted by disturbance on the subject site.
2. Description of the Development Proposal:
 - The type and purpose of the development;
 - The type of activities, processes and land uses associated with the development;
 - A site map showing the location of the development, site alteration and any activities associated with it in relation to known or the identified natural heritage features and areas, ecological functions and hazards;
 - The expected timing for undertaking the proposal and phasing of construction.
3. Assessment of the Environment Effects:
 - Predicted effects on the natural heritage feature, area and/or its function;
 - Predicted effects on linkages between natural heritage features and areas within the larger planning area or Subwatershed;
 - Direct and indirect effects as well as on-site and off-site effects; and
 - Methodology and techniques used to assess environmental effects, particularly direct and indirect negative impacts.
4. Description of the Proposed Mitigation:
 - Modifications to the development proposal to avoid or maintain key features or functions;
 - Identification of alternative methods and measures to minimize impacts, where mitigation through avoidance is not possible;
 - Preparation of an Environmental Management Plan (EMP) to clearly identify site specific buffer zones and treatments adjacent to natural heritage protection areas, provide details on development limits, and give site specific instructions to the developer and/or contractor during and subsequent to construction.

3.5 MINERAL AGGREGATE AND PETROLEUM RESOURCES

Mineral aggregate resources within Central Elgin vary in quality and quantity but remain an important local source of aggregate due to the proximity to local markets and will be protected from incompatible lands uses to allow for future extraction. Exhausted pits and quarries will be rehabilitated for appropriate uses compatible with the surrounding area.

Natural gas and petroleum resources have been discovered and extracted in Central Elgin and in Lake Erie. Existing Licensed Aggregate Sites, petroleum wells and petroleum pools are shown on Schedule “A3” to this Plan (Note: The Oil, Gas and Salt Resources Library should be referenced for the most up to date mapping of known pools and well location data).²⁵

At this point in time there are no known salt resource areas within Central Elgin. However, there is a potential for the future exploration, discovery and production of these resources.

Goals

- To protect mineral aggregate and petroleum resources for long term use.
- To recognize and manage mineral aggregate resources and petroleum resources and protect them from incompatible land uses.

3.5.1 Mineral Aggregate Resources - Policies

- a) The “Area of Potential Aggregate Resource” identified on Schedule "A3" comprises all known lands where the potential for mineral resources exists. Schedule “A3” also recognizes existing licensed pits and/or quarries under the *Aggregate Resources Act*. Permitted uses shall include the extraction and processing of aggregate resources, including wayside pits.
- b) The “Area of Potential Aggregate Resource” is not intended to be a specific land use designation, but shall be interpreted as an overlay in which lands shall be regulated for the extraction of mineral aggregate resources. The underlying land use designation identified on the Land Use Schedules shall be the primary land use. The extraction of mineral aggregate resources shall only be permitted in accordance with the policies of this section.
- c) Land uses, development and activities which would preclude or hinder mineral aggregate resource extraction shall only be permitted if:
 1. Extraction of the resource would not be feasible; or
 2. The proposed land use serves a greater long-term public interest and issues related to public health, safety and environmental impact are addressed.
- d) Any pits and quarries licensed under the *Aggregate Resources Act* shall be zoned appropriately in the Comprehensive Zoning By-law. The area zoned should correspond with the area to be licensed under the *Aggregate Resources Act*.
- e) New sensitive uses or the expansion of existing sensitive uses requiring a planning approval, on lands within 150 metres of licensed pits and quarries will be subject to the Land Use

²⁵ Modification No. 20 under Section 17(34) of the *Planning Act*.

Compatibility policies contained within Subsection 3.9 to this Plan and may be required to be supported by studies undertaken by independent qualified consultants in consultation with the Ministry of Natural Resources.

- f) In considering zoning amendment applications to permit new pits and quarries or expansions to existing pits or quarries, Central Elgin must be satisfied that the following issues are addressed:
1. The feasibility of the aggregate extraction proposed;
 2. Compatibility with surrounding land uses;
 3. The potential impact on the road network;
 4. The potential impact on the natural environment, including groundwater, surface water and natural heritage features;
 5. The manner in which the operation will be carried out;
 6. The nature of the rehabilitation plan that is proposed; and
 7. Matters that may be raised through consultation with the Province or the appropriate Conservation Authority.

The application will be accompanied by a Site Plan(s) to be submitted to Central Elgin and the Province.

- g) All pits and quarry operations will be licensed by the Ministry of Natural Resources and meet the requirements of the *Aggregate Resources Act*.
- h) Extraction proposed above the water table in prime agricultural areas shall be rehabilitated such that that substantially the same areas and same average soil quality for agriculture are restored; however, where extraction is proposed below the water table in prime agricultural areas, complete agricultural rehabilitation is not required if the following criteria are satisfied:
1. It is demonstrated through the provision of appropriate studies that there will be no adverse impact on groundwater and surface water resources;
 2. There is a substantial quantity of mineral aggregates below the water table warranting extraction;
 3. The depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
 4. Other alternatives sites including 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 have been considered by the applicant and found unsuitable; and
 5. Agricultural rehabilitation in remaining areas shall be maximized.
- i) In prime agricultural areas, exhausted pits and quarries shall be rehabilitated such that substantially the same areas and same average soil quality for agriculture are restored.
- j) 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 has been determined to be incompatible with extraction and associated activities.

3.5.2 Petroleum Resources – Policies

- a) Petroleum resources shall be recognized and managed as non-renewable resources.
- b) New development shall be set back 75m from existing wells and associated works. This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development.
- c) Where development is proposed adjacent to or above known²⁶ pools or deposits, the Province shall be consulted regarding measures to allow possible future access for resource production purposes.
- d) Petroleum exploration and production under the Oil, Gas and Salt Resources Act is a permitted activity anywhere within the Municipality except in Settlement Areas shown on Schedule 1.
- e) Should the natural heritage policies in Section 3.1 of this Official Plan regarding development within natural heritage areas affect potential petroleum activities, the Province shall be consulted to address the competing Provincial interests.
- f) Well and well-site cleanup and rehabilitation are required under the Oil, Gas and Salt Resources Act. The Province shall be consulted should existing or future land use designations and zoning patterns conflict with required well and well-site rehabilitation measures.
- g) Development on or adjacent to lands affected by former mineral resource operations shall be permitted only if rehabilitation measures to address and mitigate known hazards are underway or have been completed.
- h) Contaminated sites discovered during the planning or implementing of a development proposal shall be restored as necessary prior to any activity associated with a development proposal continuing.

²⁶ Modification No. 21 under Section 17(34) of the *Planning Act*.

3.6 AIR QUALITY

Goals

- To reduce air pollution and nuisance effects of air emissions.
- To promote compact forms of development and the use of nodes and corridors.

3.6.1 Air Quality - Policies

- a) Central Elgin will support compatible mixes of local employment and housing uses to shorten commute journeys and decrease traffic congestion.
- b) Central Elgin will support development proposals that give consideration to opportunities for non-automotive forms of transportation such as walking and cycling.
- c) Central Elgin will support the application of provincial regulations under the Environmental Protection Act and associated guidelines affecting local air quality when considering industrial and/or commercial development proposals that have the potential to adversely affect air quality.
- d) Central Elgin will encourage developers who choose to incorporate LEED, LEED-ND and Low Impact Development approaches to community design.

3.7 POTENTIALLY CONTAMINATED SITES

The historic use of land in Central Elgin has resulted in the potential for some land to be contaminated as a result of previous land use activities. These sites represent a potential hazard to human health, ecological health and the natural environment, but also represent opportunities for potential redevelopment and reintegration into the community, if they are properly remediated to suit a new use of the site.

Goals

- To encourage the remediation of contaminated sites (brownfields) so that they may be used for appropriate redevelopment opportunities.

3.7.1 Potentially Contaminated Sites - Policies

- a) Central Elgin encourages the identification of contaminated sites (brownfields) or land adjacent to known or suspected contaminated sites, their remediation, and appropriate redevelopment, in accordance with Provincial regulations and procedures and the policies of this Plan.
- b) Proponents of development may be required to document the previous uses of the subject property and/or any properties that may have been impacted by or have impacted the subject property, to assist in the determination of the potential for site contamination.
- c) For land with an historic use which may have resulted in site contamination or land adjacent to known or suspected contaminated sites, Environmental Site Assessments (ESAs) will be prepared to determine whether contamination exists, its extent where it does exist, and to determine remediation requirements.
- d) Where and ESA has determined that contamination exists, no development shall be permitted until such time as a Record of Site Condition has been prepared by a Qualified Person confirming that site soil conditions meet Provincial criteria for the proposed use.
- e) Development of a brownfield site shall meet the Province's requirements for development on potentially contaminated sites as set out in the Environmental Protection Act, its associated regulations, or amendments made thereto.

3.8 WASTE DISPOSAL SITES

The location of new waste disposal sites and the expansion of existing waste disposal sites will require an amendment to this Plan. Development within proximity to waste disposal sites will be carefully regulated to minimize land use conflicts and the potential for any adverse impacts.

Goals

- To minimize any potential land use conflicts or any adverse impacts from new waste disposal sites and/or the expansion of existing waste disposal sites.

3.8.1 Former Waste Disposal Sites - Policies

- a) Former Waste Disposal Sites that have been identified by the Ministry of the Environment are shown on Schedule “A3” and the respective Land Use Schedules to this Plan. Notwithstanding the general nature of the identification of Waste Disposal Sites in this Plan, new or expanding Waste Disposal Sites will proceed by way of a site-specific Official Plan and Zoning By-law Amendments, in accordance with the relevant policies of this Plan. A complete application for such amendments shall include evidence that the proponent has obtained a Certificate of Approval from the Ministry of the Environment in accordance with the requirements of the Environmental Protection Act.
- b) Development proposals within 500 metres of the perimeter of the fill areas of either an active or closed Waste Disposal Site will be accompanied by a study prepared by the proponent that satisfies Central Elgin that Provincial criteria have been met relative to land uses adjacent to waste disposal sites, including any required mitigation measures.
- c) Redevelopment of closed Waste Disposal Sites may be permitted by way of site specific Official Plan and Zoning By-law amendments in accordance with the relevant policies of this Plan. A complete application for such amendments shall include evidence that the proponent has obtained the approval of the Minister of the Environment in accordance with the requirements of the Environmental Protection Act.
- d) Central Elgin supports the development and implementation of technologies that safely enable the capture and use of methane or other greenhouse gas emissions from waste disposal operations as an alternative energy source.

3.8.2 Other Waste Management Facilities

- a) Waste transfer stations or storage areas, composting and recycling facilities, and facilities for storing hazardous waste will only be permitted on lands designated Major Industrial, subject to a site specific amendment to the Zoning By-law. A complete application for such shall include evidence that the proponent has obtained a Certificate of Approval from the Ministry of the Environment in accordance with the requirements of the Environmental Protection Act.
- b) The site shall be planned, designed, operated, and maintained in such a way as to promote compatibility with adjacent, existing and future land uses; to minimize any adverse impacts on the natural environment and surrounding area; and to safeguard the health and safety of the public in accordance with the relevant policies of this Plan.

3.9 LAND USE COMPATIBILITY

Noise, vibration, odour and other contaminants resulting from industrial activity can impact adjacent land uses, and the residents, businesses and visitors of Central Elgin. Managing noise, vibration and odour levels in Central Elgin is important to ensuring the health and well-being of Central Elgin's residents, and in managing the compatibility between sensitive land uses, land uses that emit noise, vibration and/or odour, and certain elements of the transportation network.

Goals

- To manage noise, vibration, dust, odour and visual compatibility between industrial uses and sensitive land uses to ensure the health and well-being of Central Elgin's residents.

3.9.1 Land Use Compatibility - Policies

- a) Central Elgin shall have regard for the Ministry of the Environment's land use compatibility guidelines, as amended from time to time, when assessing compatibility between different land uses and in particular compatibility between industrial facilities and sensitive land uses such as residential or institutional.
- b) Certain areas within the Municipality may require buffering or screening in order to minimize conflicts between land uses which may detract from the amenity and functioning of other adjacent land uses.
- c) Land uses which are obnoxious due to noise, dust, odour, vibration or visual characteristics shall not be permitted where their effects will have any adverse impact upon other land uses.
- d) Buffering or screening may be required where a residential use is adjacent to:
 1. An industrial area;
 2. A commercial area;
 3. An institutional area;
 4. Any land use characterized by heavy pedestrian or automobile traffic, truck transportation, noise, fumes or other factors affecting the residential amenity;
 5. An aggregate operation;
 6. An agricultural area;²⁷
 7. Railways; or
 8. A marina.
- e) A range of buffering techniques may be applied to new development such as the following:
 1. Prohibiting of outside storage;
 2. Control of the location of the outdoor parking and loading areas;
 3. Control of the location of garbage collection/storage facilities;

²⁷ Modification No. 22 under Section 17(34) of the *Planning Act*.

4. Regulation of lighting and signs so that they are averted or shielded from the residential uses;
 5. Provision of adequate screening such as solid or perforated walls, fences, trellises or other appropriate structures;
 6. Provision of adequate landscaping such as trees, bushes, grassed areas and berming;
 7. Separation of uses by additional distances between them; or
 8. Controls over the locations of buildings and structures.
- f) Buffering requirements shall be implemented through the zoning by-law and site plan control.

3.9.2 Noise and Vibration

- a) Central Elgin may require a noise analysis to be submitted where residential development is proposed adjacent to a provincial highway or arterial road. The Noise Analysis Report shall contain an assessment of existing and anticipated noise levels for both outdoor and indoor noise sensitive locations, during both daytime and night time hours. It shall identify the measures that will be required to ensure that noise levels comply with the Ministry of the Environment sound level criteria/guidelines. The Noise Analysis Report shall be prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies based on accepted noise measurement, prediction and calculation techniques.
- b) Development which contains a residential component such as dwellings, bedrooms, sleeping quarters, living rooms or reading rooms, and which may be subject to high levels of road or rail noise and vibration, shall only be permitted if it includes structural features that reduce interior noise levels and/or vibration.
- c) Central Elgin may require a noise and/or vibration analysis to be submitted where residential development is proposed adjacent to a railway line. The Noise and Vibration Analysis Report shall contain an assessment of existing and anticipated noise levels and vibration levels for both outdoor and indoor noise sensitive locations, during both daytime and night time hours. It shall identify the measures that will be required to ensure that noise and vibration levels comply with the Ministry of the Environment sound and vibration level criteria/guidelines. The Noise and Vibration Analysis Report shall be prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies based on accepted noise measurement, prediction and calculation techniques.
- d) Development which contains outdoor passive recreation areas and may be subject to high levels of road or rail noise shall only be permitted if it includes design and/or landscaping features that reduce outdoor noise levels.
- e) The Noise and, where required, Vibration Analysis Report may be circulated to the railway company where applicable for comments regarding the proposed noise and vibration attenuation measures.
- f) Noise and vibration attenuation requirements shall be implemented through the zoning by-law and site plan control.

4.0 LAND USE

This Section contains the land use schedules and the policies and criteria to guide land use development within Central Elgin. This Section also includes the Community Land Use Policies for each Urban and Rural Settlement Area, containing special policies that are unique to each Community. The policies of this Section are applied in addition to the policies found throughout this Plan when interpreting permitted uses and development rights on specific parcels of land within the designation.

4.1 AGRICULTURE DESIGNATION

Agriculture is the single most predominant land use in Central Elgin. Due to the importance of agriculture, the Municipality has developed Official Plan policies aimed at protecting its' agricultural attributes. To achieve this objective the majority of the Township has been placed in an Agricultural designation. The following sets out the goals and policies to protect agricultural land use in Central Elgin.

Goals

- To protect prime agricultural areas, including specialty crop areas and lands having an agricultural capability of Classes 1, 2 and 3 as defined by the Canada Land Inventory of Soil Capability for Agriculture as well as other lands suitable for agriculture.
- To promote the sustainability of agriculture within Central Elgin.
- To ensure flexibility to farm operations in both type and size by efforts to minimize conflict between non-agricultural land uses and the agricultural function within prime agricultural areas.
- To ensure the requirements of Minimum Distance Separation formulae are met for both livestock facilities and non-farm development.
- To discourage the fragmentation of land within prime agricultural areas.
- To encourage undersized farm parcels to remain in agricultural production.
- To avoid the encroachment of non-farm uses into prime agricultural areas.
- To reduce land use conflicts in the agricultural community by concentrating non-farm development to designated settlement areas.

4.1.1 Agricultural Designation - Policies

- a) A farm operation means an agricultural operation that is engaged in the growing, producing or raising of livestock, the production of agricultural crops, including greenhouse crops, and includes the processing and sale, by the operator of the farm operation, of anything grown or produced.
- b) Prime Agricultural Areas are designated Agricultural on the Land Use Schedules and may be used for a variety of agricultural activities.

- c) Buildings and structures essential to a farm operation, including the farm residence, barns and other buildings supporting the farm operation, are also permitted.
- d) Other uses permitted in the Agricultural designation include uses existing at the date of the adoption of this Plan including existing places of worship and schools; activities related to the conservation of the soil, vegetation and wildlife; small scale agriculture-related commercial or industrial uses which are directly related to the farm operation and are required in close proximity to the farm operation (e.g. grain drying operations); and agri-tourism initiatives which are secondary to the principle agricultural use, such as bed & breakfasts or spas.
- e) New Residential, Commercial and Industrial uses not related to agriculture will be directed to Settlement Areas. Proposals for new, or the expansion of existing non-residential uses in the Agricultural areas will require an amendment to this Plan and will only be supported if the proponent can demonstrate to the Municipality and the approval authority that:
 - 1. The land does not comprise a specialty crop area;
 - 2. There is a demonstrated need for additional land to be designated for the use;
 - 3. There are no reasonable alternative locations that avoid prime agricultural areas; and
 - 4. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
- f) To avoid conflicts with agricultural operations, applications for new agricultural-related uses permitted within the Agricultural designation shall be subject to the following:
 - 1. The proposed use shall be small scale, directly related to the farm operation and required in close proximity to the farm operation;
 - 2. There is no suitable alternative site within a Settlement Area or Employment Area identified on the Land Use Schedules;
 - 3. There is no suitable alternative site which avoid Class 1 to 4 lands as defined by the Canada Land Inventory Soil Capability for Agriculture;
 - 4. The site is of a size necessary only to accommodate the proposed use and its servicing requirements;
 - 5. The potential impacts from any new agriculture related uses on an adjacent agricultural operations shall be mitigated;
 - 6. The site complies with the Minimum Distance Separation policies as set out in Subsection 4.1.3 of this Plan and the Minimum Distance Separation formulae established in the Zoning By-law;
 - 7. The proposed use can be serviced with adequate water supply and sanitary sewage disposal in accordance with the policies contained in Section 2.8 of this Plan;
 - 8. The property shall have frontage on a public road maintained to a municipal standard;
 - 9. If a severance is required, the general severance policies in this Official Plan are satisfied;
 - 10. An amendment to the Zoning By-law is required; and

11. Site plan approval is required.

Agriculture related uses shall be subject to the appropriate Ministry of the Environment regulations with respect to odour, noise and dust emissions. New sensitive uses will respect setback requirements from such installations in accordance with MOE guidelines.

- g) Secondary uses, including rural home occupations, the sale of seed, machinery repair, distributorships, facilities for a tradesperson, arts and crafts or similar use are permitted, provided:
1. The use is clearly secondary to the primary agricultural or residential use of the property;
 2. The use is carried out by the person living on the property;
 3. The area permitted to be used for such purposes, shall be regulated by the Zoning By-law;
 4. Uses requiring storage may be permitted to use an accessory building, the amount of storage area permitted shall be regulated by the Zoning By-law and through site plan control;
 5. The use does not adversely affect neighbouring properties and agricultural operations with obtrusive lighting, signs, traffic, noise, dust, or odour;
 6. The use does not employ more than one person who does not live on the premises;
 7. No outside storage of goods, materials or products, of or used in the activity is permitted;
 8. The activity meets the requirements of the Zoning By-law, which may contain more detailed restrictions on specific types of uses.
- h) It is a policy of this Plan that more than one residence shall not be located on one parcel of land. Council may allow more than one residence on a parcel of land subject to an amendment to the Zoning By-law where the nature of the farm operation requires additional accommodation for farm help, subject to the following:
1. The proponent can demonstrate to the satisfaction of Council that the nature and size of the farm operation requires additional accommodation for farm help;
 2. The proposed residence can be serviced with adequate water supply and sanitary sewage disposal in accordance with the policies contained in Subsection 2.8 of this Plan; and
 3. A severance for the additional residence shall not be permitted.
- i) It is recognized that there are smaller land holdings scattered throughout the Agricultural designation existing at the date of the adoption of this Plan. Some of these lots have no structures on them. It is the general intent of the Plan that these lots will be used for a purpose permitted by the Plan and the Zoning By-law. However, the Plan recognizes that this may not be possible in all cases and may permit an amendment to the Zoning By-law to permit a residence and accessory buildings provided:
1. The lot cannot be used for a purpose permitted by the Zoning By-law in the zone it is located;
 2. The lot cannot be consolidated with an abutting farm operation and used for agriculture;
 3. The proposed residence can be serviced with adequate potable water supply and sanitary sewage disposal in accordance with the policies contained in Section 2.8 of this Plan;

4. The property shall have frontage on a public road maintained to a municipal standard. The access to the parcel does not create a traffic hazard because of limited site lines on curves and grades; and
 5. The site complies with the Minimum Distance Separation policies as set out in Subsection 4.1.3 of this Plan and the Minimum Distance Separation formulae established in the Zoning By-law.
- j) It is recognized that there are existing non-agricultural uses scattered throughout the Agricultural designation existing at the date of the adoption of this Plan. Some of these lots have structures that are currently vacant or may become vacant. It is the general intent of the Plan that these lots will be used for a purpose permitted by the Plan and the Zoning By-law. Proposals for re-use of such holdings for new non-agricultural uses will require an amendment to this Plan and will only be supported if the proponent can demonstrate to the Municipality and the approval authority that:
1. The land does not comprise a specialty crop area;
 2. There is a demonstrated need for additional land to be designated for the use;
 3. There are no reasonable alternative locations that avoid prime agricultural areas; and
 4. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
- k) Bed and breakfast establishments shall comply with the policies as set out in Subsection 4.2.4(b) to this Plan.

4.1.2 Exceptions

The former Official Plan of the Township of Yarmouth recognized as permitted in the Agricultural designation certain limited non-agricultural uses. This Official Plan continues to recognize in the Agricultural designation the following existing permitted uses:

4.1.2.1 7825 Springwater Road – Glen White Industries

The lands known as 7825 Springwater Road and described as being Concession 6, East Part of Lot 28, also described as Part 1 on Reference Plan 11R-1572 and Part 1 on Reference Plan 11R-7164 may be used for the manufacture and sale of buildings and building systems for the agriculture and construction industries, material handling equipment and components, and agricultural equipment

4.1.2.2 8059 Springwater Road – Springwater Campground

The lands known as 8059 Springwater Road and described as being Concession 6, North Part of Lots 27 and 28 may be used for a recreational campground.

4.1.2.3 46920 Sparta Line – Industrial Sheet Metal Fabrication

A part of the lands known as 46920 Sparta Line and described as being Concession 4, Part of Lot 24 may be used for Industrial Sheet Metal Fabrication subject to the following policies:

- a) The maximum floor area of the building used for the industrial sheet metal fabrication operation and its accessory uses shall not exceed 744 square metres.
- b) Adequate off-street parking shall be provided.
- c) No outside storage of goods, materials or products is permitted.
- d) Adequate water supply and sanitary sewage disposal approved by the designated regulatory authority.
- e) Notwithstanding the provisions of Sections 4.1.4 and 5.4.9 of this Plan, no consents for the conveyance of the lands used for Industrial Sheet Metal Fabrication will be permitted.
- f) An amendment to the Zoning By-law is required.
- g) The subject property is subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.

4.1.2.4 43921 Fruit Ridge Line – Golf Course

4.1.2.4.1 Area “A”

In addition to the other policies of this Official Plan, the following special policies shall apply to the lands shown as Area “A” on Schedule SD1 – Special Development Area 1 (Talbot Park Golf Course) to this Plan.

- a) A golf course is a permitted use. A golf course shall include a full range of golf course facilities and without limiting the generality of the foregoing shall include, but not be limited to: golf course playing and practice areas; a club house with accessory uses and amenities including lounge and meeting rooms, sleeping accommodations for guests, a restaurant or other eating facilities, gym/exercise facilities, pro shop and administrative and storage areas; and accessory uses, facilities and structures required for the purposes of a golf course. Accessory recreational uses such as lawn bowling, tennis and other racquet sports are also permitted. Dwelling units accessory to the golf course, to include a residence for a greens keeper or other golf course staff, is permitted. The severance of uses, buildings and structures associated with the golf course shall not be permitted.
- b) All uses, buildings and structures associated with the golf course as permitted in 4.1.2.4(a), including fairways, greens and tee box areas, shall comply with the Minimum Distance Separation I, calculated in accordance with the Minimum Distance Separation formulae established in the implementing Zoning By-law, with regards to any livestock, poultry and/or associated manure storage facilities within Area “A”.
- c) A bed and breakfast, and accessory outdoor recreational uses, is permitted.
- d) Livestock and/or poultry facilities, as defined in the implementing zoning by-law and tables, shall not be permitted, save and except for one horse barn with a housing capacity not to

exceed 5 horses, and an associated manure storage facility. The barn and its associated manure storage facility shall comply with Minimum Distance Separation II, calculated in accordance with the Minimum Distance Separation formulae established in the implementing Zoning By-law, with regards to uses, buildings and structures permitted through Subsection 4.1.2.4(a).

- e) A hydrogeological report to assess the potential impacts of the golf course on local wells and groundwater resources shall be prepared to the satisfaction of the Ministry of the Environment.

4.1.2.4.2 Area “B”

In addition to the other policies of this Official Plan, the following special policies shall apply to the lands shown as Area “B” on Schedule SD1 – Special Development Area 1 (Talbot Park Golf Course) to this Plan.

- a) Notwithstanding the Agricultural Consent Policies of Section 4.1.4 of this Plan, the lands shown as Area "B" may be severed from the subject lands, in whole or in part, subject to the following policies:
 - i) A site plan agreement, in accordance with Subsection 41(7)(c) of the Planning Act, R.S.O., 1990, has been entered into with the Municipality respecting the development of the golf course in Area "A".
 - ii) The severed portion is to be merged in title with abutting lands, and Subsection 3 of Section 50 of the Planning Act, R.S.O., 1990, as amended, shall apply to any subsequent conveyance.
 - iii) Only one residence shall be permitted on the merged lands. Livestock and/or poultry facilities shall not be permitted, save and except for one horse barn with a housing capacity not to exceed 5 horses, and an associated manure storage facility. The barn and its associated manure storage facility shall comply with Minimum Distance Separation II, calculated in accordance with the Minimum Distance Separation formulae established in the implementing Zoning By-law.
 - iv) The lands be re-zoned as a condition of severance to regulate the location of buildings and structures, lot size and permitted uses.

The Talbot Park Golf Course Relocation Environmental Issues Scoping Report dated January 2002 identified key environmental features and functions for certain lands within the vicinity of Beaver Creek. The recommendations of the Scoping Report, in conjunction with the input of the Kettle Creek Conservation Authority, further served to identify those areas in which development may only be permitted subject to a development proponent carrying out site specific environmental studies to identify measures to mitigate the potential impacts that the development proposal may have on the natural features and ecological functions of the particular area and to identify compensation measures where impacts cannot be mitigated in order to achieve no net loss of the resource being impacted. These areas are shown as Hazard Prone Areas and Special Development Areas respectively on Schedule SD1 – Special Development Area 1 (Talbot Park Golf Course) to this Plan.

4.1.2.4.3 Special Development Area 1 - Policies

In addition to the policies contained in this Plan, the following special policies shall apply to lands identified as Special Development Areas and Hazard Prone Areas as shown on Schedule SD1 - Special Development Area 1 (Talbot Park Golf Course).

- a) The Special Development Areas shown on Schedule SD1 to this Official Plan are intended to be used in accordance with the underlying land use designations as shown on Schedule A, and the policies of Subsection 4.1.2.4. The intent of this policy is to ensure that the natural features and/or areas are adequately protected through the planning and development process.
- b) The Special Development Areas include both upland woodlands and natural features and areas associated with the Beaver Creek system. A development proponent shall be required to prepare a site-specific environmental impact study focusing on its specific location within the subject lands in order to establish the limits of development. The environmental impact study shall recommend setbacks for development from the particular natural feature/area, vegetative buffers and/or other measures to mitigate potential environmental impacts or to provide compensation measures where impacts cannot be mitigated in order to achieve no net loss of the resource being impacted. The environmental impact study shall also recommend site planning and design guidelines.
- c) Through the terms of reference for the preparation of the environmental impact study the Municipality and the Conservation Authority shall define the focus of the impact analysis (ie. fish and fish habitat analysis, woodland evaluation, etc.) based upon the particular location of the property and the findings of the Environmental Issues Scoping Report. The environmental impact study shall be financed by the proponent of the development project on the subject lands. It shall be prepared by an independent consultant selected by the proponent and agreed to by the municipality and the Conservation Authority. The development application shall be reviewed within the context of that environmental impact study. The environmental impact study shall be endorsed by the municipality and the Conservation Authority prior to any development approval being granted.
- d) The Hazard Prone Area located within the subject lands on Schedule "SD1" to this Official Plan is intended to be used in accordance with the underlying land use designations as shown on Schedule "A", the policies of Subsection 4.1.2.4, and the Natural Hazards policies set out in Section 3.2 of this Official Plan. The intent of this policy is to ensure that public health and safety are adequately protected through the planning and development process.
- e) The Hazard Prone Area includes both flood plain and a wetland feature associated with the Beaver Creek system. Prior to the approval of any development within the Hazard Prone Area, a development proponent shall be required to:
 1. Prepare a site-specific flood plain analysis in order to identify the limits of the flood plain of Beaver Creek under regulatory storm conditions. The flood plain analysis shall be prepared by an independent consultant selected by the proponent and based upon terms of reference agreed to by the Municipality and the Conservation Authority. The flood plain analysis shall make recommendations on proposed cut/fill and grading associated with the proposed development, and assess the potential impacts to upstream and downstream properties.

Development or alterations within the flood plain of Beaver Creek shall require the prior approval of the Kettle Creek Conservation Authority.

2. Prepare a site-specific wetland evaluation study in order to establish the limits of development. The wetland evaluation study shall be prepared by an independent consultant selected by the proponent and based upon terms of reference agreed to by the Municipality and the Conservation Authority. The wetland evaluation study shall be financed by the development proponent and the development application shall be reviewed within the context of that wetland evaluation study. The wetland evaluation study shall be endorsed by the municipality and the Conservation Authority prior to any development approval being granted.
- f) Beaver Creek has been identified by the Conservation Authority and within the Environmental Issues Scoping Report as fish habitat. Setbacks for development from the creek shall be required. Setbacks shall be defined through the preparation of site and/or area specific environmental impact studies that identify the measures necessary to mitigate the impacts of adjacent development on fish habitat. Where a crossing of Beaver Creek is proposed, the environmental impact study shall:
- review site conditions and features for constraints and opportunities to determine the optimum location for the crossing;
 - identify the potential impacts to fish habitat associated with a crossing at the proposed location;
 - identify measures necessary to mitigate the identified impacts associated with the construction of the crossing at the proposed location; and,
 - identify compensation measures where impacts cannot be mitigated in order to achieve no net loss of the productive capacity of the habitat being impacted;

Environmental impact studies prepared to address matters relative to fish habitat shall be prepared to the satisfaction of the Municipality, the Conservation Authority and the Federal Department of Fisheries and Oceans.

4.1.2.5 44846 Talbot Line – RV Sales and Service

The lands known as 44846 Talbot Line and described as being Part of Lot 17, Concession 9, geographic Township of Yarmouth may be used for the service and sale of recreational vehicles to be operated as a rural home occupation accessory to the existing rural residential use. The use of these lands is subject to the following policies:

- a) The lands be re-zoned to permit the use. The site specific zoning amendment shall: limit the number of employees not living on the subject lands to two; control the maximum floor area of all buildings and structures associated with the business to 350 square metres; and control the area dedicated to the business on the subject lands to no more than 15% of the lot area (2,250 square metres).
- b) The lands are subject to site plan control.

- c) The lands front onto Highway #3 (Talbot Line). Development of the lands relative to building construction and land use, entrances and access, and signage is subject to Ontario Ministry of Transportation approvals in accordance with the Public Transportation and Highway Improvement Act.

4.1.3 Minimum Distance Separation

Minimum Distance Separation (MDS) is a method developed by the Province to minimize land use conflicts and nuisance complaints from odour. New land uses, including the creation of lots, and new or expanding livestock facilities within the Agricultural designation must comply with the Minimum Distance Separation formulae.

Minimum Distance Separation I (MDS I) applies when locating non-farm development in proximity to existing livestock facilities on an existing or proposed separate parcel of land.

Minimum Distance Separation II (MDS II) applies when an application is made for a new or expanding livestock facility.

4.1.3.1 Minimum Distance Separation - Policies

- a) Minimum Distance Separation shall apply to:
1. All lands designated Agricultural on the Land Use Schedules; and
 2. New livestock facilities or the expansion of existing livestock facilities on lands located within a non-Agricultural designation on the Land Use Schedules.
- b) Minimum Distance Separation I (MDS I) shall be applied when assessing official plan amendments, zoning by-law amendments, consent and minor variance applications and applications for building permits for new non-farm development on existing lots of record or for new or expanding farm residences.
- c) Minimum Distance Separation II (MDS II) shall be applied when an application for a building permit is made for a new livestock facility or the proposed expansion of an existing livestock facility.
- d) Minimum Distance Separation shall be determined by applying the Minimum Distance Separation formulae (MDS I and MDS II) contained in the implementing Zoning By-law.
- e) MDS I applies to empty livestock facilities if they are structurally sound and reasonably capable of housing livestock.
- f) MDS I shall not apply to the construction of a new dwelling that is replacing a dwelling destroyed in whole, or in part, by a catastrophe or through voluntary reconstruction,²⁸ provided that the new dwelling is located no closer to a livestock facility than prior to the catastrophe.
- g) MDS II shall not apply to the construction of a livestock facility that is replacing a livestock facility destroyed by a catastrophe, provided that there is no switch to a livestock type with a

²⁸ Modification No. 23 under Section 17(34) of the *Planning Act*.

higher odour potential; there is no increase in the number of nutrient units housed; and, there is no change in the manure storage system with a higher odour potential.

- h) For the purposes of MDS II formulae, cemeteries will be treated as a Type B land use. In instances where a cemetery is closed and receives low levels of visitation it may be treated by the Municipality as a Type A land use for the purposes of MDS II formulae.

4.1.3.2 Variances to MDS

- a) The Committee of Adjustment, upon application, may authorize a variance from the required Minimum Distance Separation calculated in accordance with the provisions of the zoning by-law.
- b) A minor variance from the required Minimum Distance Separation for the purposes of permitting new development lots shall not be permitted.
- c) A minor variance from the required Minimum Distance Separation for the purposes of an addition to or expansion of an existing non-farm related building or structure which does not meet the required Minimum Distance Separation I (MDS I) may be permitted provided:
 - (i) the proposed addition or expansion is no closer to the subject livestock facility; and
 - (ii) the proposed addition or expansion does not increase the number of dwelling units within the existing building or structure;
- d) A minor variance from the required Minimum Distance Separation for the purposes of an enlargement / expansion of an existing livestock facility which does not meet the required Minimum Distance Separation II (MDS II) may be permitted provided the facility operator can demonstrate, to the satisfaction of the Municipality, that the intent, if not the precise distances of MDS II is being met and environmental impacts can be mitigated.
- e) Notice of Hearing for an application for a minor variance is required to be given in accordance with Planning Act regulations which are amended from time to time. Notwithstanding the prescribed notice requirements, a Notice of Hearing for an application for a minor variance from the Minimum Distance Separation (MDS I or MDS II) calculated in accordance with the formulae established in the implementing Zoning By-law shall be given by prepaid first class mail to every owner of land within the required Minimum Distance Separation, including the owner of the subject livestock or poultry facility. The Notice of Hearing shall contain the information prescribed by the regulations.

4.1.4 Agricultural Consent Policies

Within the area designated Agricultural on the Land Use Schedules, the creation of lots for new non-agricultural and non-agriculturally related uses is not permitted. Consents for the conveyance of land will only be permitted in accordance with the following policies:

- a) Where land being conveyed is for agricultural purposes the following criteria shall apply:
 1. To discourage the severance of small holdings from larger parcels, the parcel being created and the parcel being retained shall have a minimum lot area of 40 hectares. A lesser lot area, however, may be considered without amendment to this Plan if the parcels

- being severed and retained are of an appropriate size for the type of agricultural uses common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of farm operation;
2. Agriculture must be the intended use of the parcel being conveyed.
 3. The parcel complies with the applicable regulations of the zoning by-law.
- b) Where a parcel of land has an area of less than 40 hectares, a consent for the purposes of transferring parts of such parcel to an abutting farm operation is permitted provided the following criteria are met:
1. The parcel being conveyed is registered in the same interest as the abutting parcel to which it is to be joined and the consent decision shall stipulate that Subsection 3 of Section 50 of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance of the severed parcel.
 2. The retained parcel should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 to this Plan. Exceptions may be considered based on individual site circumstances; however, in all circumstances, the loss of any additional productive farmland will be avoided;
 3. The retained parcel complies with the applicable regulations of the zoning by-law.
- c) Notwithstanding (a) above, a consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply:
1. The lot containing the residence surplus to the farm operation:
 - i. shall be in compliance with the regulations of the applicable zoning by-law;
 - ii. should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 to this Plan. Exceptions may be considered based on individual site circumstances; however, in all circumstances, the loss of any additional productive farmland will be avoided;
 - iii. shall be in compliance with the Municipality's property standards by-law;
 - iv. may contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
 - v. shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
 2. The lot that is being consolidated into the farm operation:
 - i. shall be in compliance with the regulations of the applicable zoning by-law for farm use;
 - ii. shall be rezoned to prohibit any new residential dwelling unit; and

- iii. may be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

4.1.5 Rural Development Areas

The Rural Development Areas shown on Schedule A to this Plan recognize the existence of small clusters of non-farm, predominantly residential development on small lots that are part of the historical development pattern within the rural area of the former Township of Yarmouth. Rural Development Areas are not considered Settlement Areas and are not a separate land use designation. In order to control land use within these clusters, the following special policies apply within the Rural Development Areas.

4.1.5.1 Rural Development Area - Policies

- a) Where land is shown as Rural Development Area on Schedule A to this Plan, the predominant use of land shall be for residential purposes.
- b) Home occupations which are carried on in compliance with Subsection 4.2.3 to this Plan are permitted.
- c) Parks, public uses, community facilities and existing commercial and industrial uses may also be permitted.
- d) No expansion of existing Rural Development Area boundaries will be permitted.
- e) Infilling within the Rural Development Area designation shall be permitted, subject to the following considerations:
 1. Infilling shall occur only by consent, and in no case shall the limits of a Rural Development Area be expanded.
 2. Consents shall be in accordance with the general severance policies contained in Subsection 5.3.9.
 3. The proposed lot must meet with the minimum lot frontage and area requirements of the zoning by-law.
 4. The lot can be serviced in accordance with the policies contained in Subsection 8.2, as applicable.
- f) The zoning by-law may contain more specific regulations to control uses permitted within the Rural Development Area.
- g) For the purposes of applying the Minimum Distance Separation policies of Section 4.1.3 of this Plan, Rural Development Areas will be treated as rural residential clusters and a Type B land use.

4.2 RESIDENTIAL DESIGNATION

The lands designated as “Residential” on the Land Use Schedules provide the main locations for housing in Central Elgin. A broad range of housing types and compatible services and amenities are permitted within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure. Residential land use is permitted in the Rural Settlement Areas, but shall be focused to the existing built up areas in order to recognize the limitations on development due to the lack of full municipal services.

Goals

- To promote sustainable, efficient and diverse residential neighbourhoods.
- To provide a diverse range of housing types and densities.

4.2.1 Residential Designation - Policies

- a) Where land is designated Residential on the Land Use Schedules to this Plan, a range of residential dwelling types and densities shall be permitted, including single detached, semi-detached, duplex dwellings, triplex dwellings, townhouse dwellings and apartment dwellings. Conversion of existing dwellings to increase the number of dwelling units is also permitted.
- b) Ancillary uses such as schools, neighbourhood and community parks, trail connections, places of worship, home occupations, and community and social service facilities, shall also be permitted subject to the following:
 1. Only those uses which are compatible with and complementary to residential uses and where the amenities of adjacent residential areas are preserved through the provision of adequate buffering, landscaping, off-street parking, and vehicular access shall be permitted.
 2. Where possible, ancillary uses shall be grouped together to serve as focal points for residential areas, and to encourage the integration of parking, landscaping, and other facilities.
 3. The subject property is subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.
 4. Detailed development standards for ancillary uses permitted within the Residential designation shall be established in the implementing Zoning By-law.
- c) Accessory residential dwelling units are permitted in a single detached or semi-detached dwelling in the Residential designation, subject to meeting the policies of subsection 2.4.6.
- d) Special need housing in accordance with the policies of subsection 2.4.4 shall be permitted in the Residential designation within Urban Settlement Areas.
- e) Where new residential development is proposed adjacent to any non-residential development, potential impacts from the non-residential developments on the residential development shall be assessed to the satisfaction of the Municipality to determine if mitigation is required. Mitigation may include, but not be limited to, such measures as

building setbacks, landscaping and screening. The use of native species in landscaping shall be encouraged.

- f) Existing cemeteries are permitted within the Residential designation. New cemeteries or the expansion or enlargement of existing cemeteries shall require an amendment to this Plan.

4.2.2 Density

- a) Within the Urban Settlement Areas where full municipal services are provided, a full range of low to high density residential uses shall be permitted in the Residential designation.
- b) The following residential density classifications shall apply:
 - 1. **Low density:** includes single detached dwellings, semi-detached dwellings, an accessory apartment in a single detached or semi-detached dwelling, duplex dwellings, triplex dwellings and converted single detached dwellings up to a maximum density of 22 units per net hectare (9 units per net acre).
 - 2. **Medium density:** includes town or row houses and apartments in a range of greater than 22 units per net hectare (9 units per net acre) up to a maximum of 35 units per net hectare (14 units per net acre).
 - 3. **High density:** includes apartments in excess of 35 units per net hectare (14 units per net acre).
- c) New medium or high density residential development shall be subject to the following policies:
 - 1. The proposed design of the residential development is compatible in scale with the character of surrounding uses;
 - 2. The site is physically suited to accommodate the proposed development;
 - 3. The proposed site can be serviced with adequate water supply and sanitary sewage disposal in accordance with the policies contained in Section 2.8 of this Plan;
 - 4. The property shall have direct access to an arterial or collector road maintained to a municipal standard with capacity to accommodate traffic generated from the site;
 - 5. Sufficient off-street parking facilities is provided in accordance with the standards set out in the Zoning By-law; and
 - 6. Consideration shall be given to matters related to land use compatibility, traffic impacts and proximity effects such as noise and visual impacts.
- d) Medium and high density residential projects shall be developed on the basis of comprehensive site plans. Such projects shall require an amendment to the zoning by-law and site plan approval.
- e) Within the Rural Settlement Areas and Rural Development Areas, low density residential uses shall be permitted in the Residential designation, subject to meeting the servicing policies as set out in subsection 2.8 of this Plan.

4.2.3 Home Occupations

Home occupations which are permitted in the Residential designation are subject to the following policies:

- a) The use is carried on entirely within the dwelling unit or accessory building, with no outside storage of goods, materials or equipment related to the home occupation use;
- b) The home occupation use is clearly ancillary to the primary use of the property as a residence;
- c) The property is the principal residence of the person carrying on the home occupation use;
- d) There is no selling or offering to sell any goods, wares or merchandise to any person except by telephone or computer; and
- e) Detailed standards shall be set out in the zoning by-law, and may include regulations respecting signage for the home occupation use.

4.2.4 Boarding/Lodging Houses and Bed and Breakfast Establishments

- a) Boarding/lodging houses and bed and breakfast establishments are defined for the purposes of this Plan as a building or part of a building where the owner, tenant or keeper of which resides and where there is offered or supplied for gain or profit lodging or lodging and meals, but excludes a provincial group home or other special needs housing, hotel, inn or institution.
- b) Boarding/lodging houses and bed and breakfast establishments may be permitted in the Residential or Agricultural designations subject to the following policies:
 1. The property shall have frontage on a public road maintained to a municipal standard;
 2. The proposed use can be serviced with adequate water supply and sanitary sewage disposal in accordance with the policies contained in Section 2.8 of this Plan;
 3. Adequate parking spaces shall be provided and maintained on-site for the proposed use;
 4. Availability of community services and facilities;
 5. The subject lands shall be suitable to accommodate the proposed use in terms of lot size, setbacks, side yards and landscaped open space;
 6. The existing dwelling shall be structurally sound and capable of accommodating alterations for the proposed use;
 7. The character of the surrounding area shall be maintained; and
 8. An amendment to the Zoning By-law is approved.
- c) Central Elgin may incorporate location criteria and licensing procedures for boarding/lodging houses and bed and breakfast establishments.

4.3 COMMERCIAL DESIGNATIONS

The commercial designations as shown on the Land Use Schedules reflect a hierarchy based on the established commercial land use patterns of the Municipality. They are found predominantly within the Settlement Areas where they serve both local needs and the tourist function, and along King's Highway #3 where they service local and regional needs and support the adjacent Employment Area.

Goals

- To promote a high aesthetic quality in all commercial areas that reflects the local character.
- To address the needs of local commercial uses to attract visitors and tourists to the Communities of Port Stanley and Sparta.
- To minimize the impacts of commercial uses on adjacent sensitive land uses.

4.3.1 Commercial-Industrial - Policies

- a) Where land is designated Commercial-Industrial on the Land Use Schedules to this Plan, a mix of space-extensive commercial activities along with light industrial activities shall be permitted.
- b) Permitted commercial uses shall have the following functional characteristics:
 1. The uses are not oriented towards casual pedestrian oriented shopping activity but rather vehicle oriented single-purpose shopping trips;
 2. The uses require sites accessible to urban or rural collector roads, county roads or provincial highways to serve their market areas;
 3. The uses may serve demands from highway traffic;
 4. The land use and building requirements result in the need for a single purpose built structure for each use; and
 5. No single use shall exceed 930 square metres in gross leasable floor area.
- c) Permitted uses in this designation may include hotel-motel business; automotive service; automotive dealerships; gas bars; business offices; eating establishments; and home and auto supply stores.
- d) Commercial uses which are more appropriate to lands designated General Commercial shall be prohibited.
- e) Light industrial uses shall be limited to those activities such as manufacturing, processing, repair and servicing, bulk fuel sales; storage of goods and raw materials warehousing, and similar such uses. Permitted light industrial uses must be small in scale, self-contained within a building and producing no emissions including noise, odour, dust and/or vibration.
- f) The property shall have frontage on a public road maintained to a municipal standard. Access points to parking areas shall be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic. Where the lands abut the King's Highway #3 a

proponent shall be required to obtain all necessary permits from the Ministry of Transportation prior to development.

- g) Office uses that are associated with and clearly ancillary to a permitted Commercial-Industrial use are also permitted.
- i) A high standard of building design, landscaping and signage will be required. All proposed new development or additions/expansions to existing development are subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.

4.3.2 General Commercial - Policies

- a) Where land is designated General Commercial on the Land Use Schedules to this Plan, the permitted uses shall be commercial uses such as retail stores, personal and business services, offices, restaurants and other eating establishments, hotels, motels, places of entertainment and general assembly.
- b) Detailed development standards for General Commercial development shall be established in the implementing Zoning By-law.
- c) A high standard of building and landscape design shall be applied to commercial development through the requirements of the implementing Zoning By-law and site plan approval, particularly where such developments are adjacent to residential uses or are located in a strategic location.
- d) Within the General Commercial designation convenient access for pedestrians and integration with pedestrian and bicycle paths shall be encouraged.
- e) Proposals for new General Commercial uses shall be reviewed on the basis of general conformity with the following policies:
 - 1. The proposed development shall provide adequate buffering and landscape screening to ensure visual separation between the commercial use and adjacent land uses;
 - 2. Landscape screening may include the provision of plantings, earthen berms, fences, trees; the construction of screen walls or a combination of the aforementioned techniques. The use of native species in landscaping shall be encouraged.;
 - 3. Provision shall be made for parking, loading, vehicle circulation, garbage collection/storage, and other required facilities for the development;
 - 4. The property shall have frontage on a public road maintained to a municipal standard;
 - 5. The site shall be provided with full municipal services; and
 - 6. Outside storage or display of merchandise shall be regulated through the implementing zoning by-law and through Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.

4.3.3 Office Professional - Policies

- a) Within the “Office/Professional” designation shown on the Schedule E, the permitted uses shall be offices, public administration buildings, and institutional uses.

- b) Accessory retail commercial uses of a convenience or service nature that are clearly incidental and subordinate to the main office use, with no single use exceeding 300 square metres in size, are also permitted. This may include a coffee shop, copy centre, convenience store, personal service shop or fitness centre.
- c) The property shall have frontage on a public road maintained to a municipal standard.
- d) Adequate buffering, landscaping, screening and separation distances between “Office/Professional” areas and areas designated “Residential” or otherwise used for residential purposes are required to mitigate against potential negative impacts due to noise, lighting and odours. The use of native species in landscaping shall be encouraged.
- e) The implementing zoning by-law shall established standards for off-street parking.
- f) The maximum gross leasable floor space available for all accessory retail uses within the “Office/Professional” designation shall be 930 square metres.
- g) All proposed new development or additions/expansions to existing development within the Office/Professional designation are subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.

4.3.4 Local Commercial - Policies

- a) Where land is designated Local Commercial on the Land Use Schedules to this Plan, the permitted uses shall be retail and service uses of a convenience or day-to-day nature with no single use exceeding 300 square metres in size. Examples of permitted uses include a variety store, hairdresser, barber, gas bar and a restaurant. Office uses, such as professional offices for doctors or dentists, are also permitted.
- b) The property shall have frontage on a public road maintained to a municipal standard.
- c) Adequate buffering, landscaping, screening and separation distances between areas designated “Local Commercial” and areas designated “Residential” or otherwise used for residential purposes are required to mitigate against potential negative impacts due to noise, lighting and odours.
- d) Adequate off-street parking is required. Parking standards may be established in the implementing zoning by-law.
- e) The maximum gross leasable floor space available for all commercial/office uses in any “Local Commercial” designation shall be 930 square metres.
- f) All proposed new development or additions/expansions to existing development within the Local Commercial designation are subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.

4.3.5 New High Order Commercial Developments

In support of an application for an amendment to the Official Plan or the Zoning By-law to permit a commercial development in excess of 930 square metres of gross leasable floor area, a proponent shall be required to submit the following:

- a) A planning study demonstrating the appropriateness of the proposed development in relation to existing and planned land uses;
- b) A traffic analysis indicating how the traffic generated by the proposed development can be accommodated without creating adverse impacts on the capacity of the road system or on adjacent land uses;
- c) A market impact study indicating that the proposed development can be justified on the basis of market demand without severely impacting existing and planned commercial development;
- d) An engineering analysis demonstrating that municipal services necessary to support the proposed development can be provided.

4.4 EMPLOYMENT AREA DESIGNATIONS

In order to provide a foundation for sustainable future economic growth, Central Elgin has identified Employment Areas to be the focus of the major concentrations of industrial and service commercial related employment growth and development in the Municipality. The Employment Areas have been chosen based on criteria including access to municipal services, proximity to intermodal transportation opportunities and minimal potential for conflict with existing uses.

Existing areas of industrial and space extensive commercial uses located within the Municipality will be recognized as potential opportunities for uses that are compatible with existing surrounding uses and provide local economic benefit.

Goals

- To foster a thriving economy;
- To provide for an appropriate mix and range of industrial employment to meet long term needs;
- To provide opportunities for a diversified economic base and to take into account the needs of existing and future businesses;
- To ensure the necessary infrastructure is provided to support current and future needs.

4.4.1 Major Industrial - Policies

- a) Where land is designated “Major Industrial” on the Land Use Schedules to this Plan, the permitted uses shall include a full range of manufacturing, fabricating, processing, assembling; storage and warehousing/bulk storage of goods and materials; repair and service operations; intermodal trans-shipment facilities including railway and marine uses; and Municipal works yards.
- b) Accessory uses to a permitted “Major Industrial” use may include administrative offices for the permitted industrial use; a cafeteria; commercial uses accessory to the industrial use such as limited retail facilities for the sale of a portion of the goods produced on the premises; and compatible public use.
- c) Proposals for new “Major Industrial” uses shall be reviewed on the basis of conformity with the following:
 1. The Land Use Compatibility policies contained within Subsection 3.9 of this Plan.
 2. The Servicing policies contained within Subsection 2.8 of this Plan.
 3. All proposed new development or additions/expansions to existing development within the Major Industrial designation are subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.
- d) Outdoor open storage of goods and materials may be permitted in a “Major Industrial” designation in accordance with the following policies:

1. Where practical storage areas shall be located away from adjacent residential areas and/or provide adequate buffering to visually screen the storage areas from those uses;
 2. All buffering, fencing and screening shall enhance the site and be of a permanent nature;
 3. Where natural landscaping is utilized as part of the buffering, it shall be adequate in size and type to screen the outdoor storage; and
 4. No outdoor storage shall be permitted within a front yard or exterior side yard.
- e) The property shall have frontage on a public road maintained to a municipal standard.
- f) Standards for industrial development shall be implemented through the Zoning By-law.
- g) Licensed Adult Entertainment Parlours are permitted within the “Major Industrial” designation as shown on the Land Use Schedules, only in free-standing, single use structures, provided that such uses are located no closer than 500 metres measured in a continuous path over the shortest distance from a residence, a church, a school, a day nursery or a public park or a Residential or Open Space or Park zone.

4.4.2 Major Industrial - St. Thomas Airport

The Major Industrial - St. Thomas Airport designation, as shown on the Land Use Schedules to this Plan, represents those areas where a mix of aviation and non-aviation activities shall be permitted. Permitted non-aviation activities must not be in conflict with the long term use of the surrounding lands for industrial and/or airport purposes.

Goals:

- To protect the airport, through policy and regulations, from sensitive and incompatible land uses which may disrupt the airport function;
- To permit non-aviation related development opportunities, compatible with and supportive to the major industrial uses of the airport lands and the highway commercial, agricultural and rural residential uses on surrounding lands;
- To guide the physical development and financial priorities of the airport lands through the master planning process; and
- To implement and ensure compliance with the airport noise policies of the Provincial Policy Statement.

4.4.2.1 Major Industrial - St. Thomas Airport - Policies

- a) The “Major Industrial - St. Thomas Airport” designation on Schedule L means the predominant use of land is for uses dedicated to the operation of the airport such as the airport terminal, airport business offices, aircraft maintenance and repair, fuelling and storage, and aviation related commercial and industrial uses. Other Major Industrial uses such as manufacturing, processing of goods, wholesaling, warehousing, and bulk storage are also permitted. Business offices accessory to an industrial use are permitted.

- b) Non-aviation related wholesale and retail businesses may be permitted for selected areas within the “Major Industrial - St. Thomas Airport” designation provided these businesses do not conflict with the long term use of the surrounding lands for industrial and/or airport purposes, or the highway commercial facilities along Talbot Line.
- c) Other uses permitted are park and open space areas, public and institutional uses, commercial recreational facilities, restaurants, automobile body shops, service stations, automotive trade, and public or private halls, provided the function of these uses are not in conflict with the development and operation of the area for airport or industrial uses.
- d) Permitted uses in the “Major Industrial - St. Thomas Airport” designation are subject to site plan control.

4.4.2.2 NEF/NEP Contours

Provincial Policy requires that new residential development and other sensitive land uses be prohibited in areas near airports above the 30 NEF/NEP, as set out on maps approved by Transport Canada. Such mapping has been prepared for the St. Thomas Municipal Airport. In order to protect the St. Thomas Municipal Airport from incompatible development, the following policies shall apply:

- a) New residential development and other sensitive land uses will not be permitted in areas above 30 NEF as set out in Schedule L1, or 30 NEP as set out in Schedule L2 to this Plan.
- b) Redevelopment of existing residential uses and other sensitive land uses may be considered above 30 NEF/NEP, if it has been demonstrated that there will be no negative impacts on the long term function of the airport.
- c) New development in areas below 30 NEF/NEP but in close proximity to the St. Thomas Airport lands as shown on Schedules “L1” and “L2”, may be required to address the Noise and Vibration and/or Land Use Compatibility policies found in Subsection 3.10 of this Official Plan. This may include a review and update of the NEF/NEP contours in accordance with the standards prescribed by Transport Canada.
- d) New development permitted within the airport lands and other areas above the 30 NEF/NEP may be subject to a noise analysis to identify noise reduction features and other mitigation measures in accordance with the policies and guidelines of Transport Canada Aviation.

4.5 COMMUNITY FACILITIES DESIGNATION

As part of its Parks and Recreation Master Plan exercise, the Municipality has developed a hierarchy of parks which is summarized with Subsection 2.5 to this Plan. Neighbourhood and community parks are permitted within any Residential designation shown on the Land Use Schedules. It is the intent of the Community Facilities designation to recognize the location of those areas and facilities that fall under the category of regional parks including public beaches, significant historical or cultural amenities, high level specialized amenities (e.g. indoor swimming pool, lighted soccer pitch, etc.), public works facilities or groupings of multiple major facilities (i.e., indoor/outdoor multi-purpose recreation complex).

Goals

- To promote a healthy community by developing and maintaining recreational facilities, parks, open space areas and trail systems that cater to the recreation and healthy lifestyles needs of Central Elgin's residents.
- To recognize municipal public works sites as functional components of the fabric of publicly held lands.

4.5.1 Community Facilities Designation – Policies

- a) The areas designated “Community Facilities” on the Land Use Schedules may be used for indoor and outdoor recreation, leisure, conservation and public works purposes. The Community Facilities designation may also include regional parks and accessory buildings including a community centre; recreational areas; public works facilities and other municipally owned lands.
- b) Only buildings and structures accessory to the permitted uses shall be located in the Community Facilities designation.
- c) Outdoor open storage of goods and materials may be permitted in a permitted public works yard in accordance with the following policies:
 1. Where practical storage areas shall be located away from adjacent residential areas and/or provide adequate buffering to visually screen the storage areas from those uses;
 2. All buffering, fencing and screening shall enhance the site and be of a permanent nature;
 3. Where natural landscaping is utilized as part of the buffering, it shall be adequate in size and type to screen the outdoor storage. The use of native species in landscaping shall be encouraged.; and
 4. No outdoor storage shall be permitted within a front yard or exterior side yard.

4.6 INDIVIDUAL COMMUNITY LAND USE PLANS

The Municipality of Central Elgin is in many ways a “community of communities” in the sense that notwithstanding the amalgamation in 1998 there remain characteristics of many of the communities that give them their own unique personality. Also, there have been many area specific policies introduced through amendments to previous official plans that need to be recognized and carried over into this Plan. The Individual Community Land use Plans provide a mechanism to recognize those detailed land use policies that preserve the character of each community. These policies are to be read in addition to any applicable policies found elsewhere in the Plan.

4.6.1 Community of Belmont

The Community of Belmont is located in the northerly limits of the Municipality along former Highway #74 (Belmont Road). It includes a mix of predominantly low density residential land use along with a commercial “core” that services the community and surrounding area. The Community of Belmont is serviced with full municipal piped water and sanitary sewage disposal systems.

4.6.1.1 Special Policies

- a) The land use designations for the Community of Belmont are shown on Schedule B to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.

4.6.1.2 Community Improvement

- a) The Community Improvement Area shown on Schedule B2 to this Plan represents the area where Council shall direct its major improvement efforts.
- b) The boundaries of the Community Improvement Area shall be considered to be flexible and minor extensions or alterations deemed to be necessary by Council may be permitted without an Amendment to this Plan, provided the general intent of the Plan is maintained.
- c) The policies of Subsection 2.10.2.1 to this Plan shall apply.

4.6.1.3 Belmont Commercial Core

- a) The core area, which is the principal commercial area in Belmont, shall remain as compact as possible in order to be readily accessible to the pedestrian public.
- b) In order that the core area may continue to attract trade from the market area it serves, a high quality of development and an attractive appearance should be created within the area. A design plan should be developed prescribing a coordinated, streetscape treatment considering elements such as sign control and design, an illumination system, paving material, landscaping, etc.

- c) Adequate parking and loading spaces within General Commercial areas shall be required in clearly-defined areas for all commercial development and redevelopment for the convenience of the people and the businesses served. No open storage shall be permitted in General Commercial areas.
- d) Council shall ensure that adequate screening be provided between the General Commercial areas and any adjacent residential areas. Such screening may include the provision of appropriate planting or construction of screen walls, and fencing especially around parking lots and the rear lots of businesses.
- e) The General Commercial designation shall be restricted to Main Street as the Village's core area and shall be prohibited from locating anywhere else except by amendment to this Plan.

4.6.2 Community of Lynhurst

The Community of Lynhurst is located in the central area of the Municipality, just outside of the northwest corner of the City of St. Thomas. It is almost exclusively residential in terms of land use. The Community of Lynhurst is fully serviced with municipal piped water supply and sanitary sewage through an agreement with the City of St. Thomas.

4.6.2.1 Special Policies

- a) The land use designations for the Community of Lynhurst are shown on Schedule C to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.

4.6.2.2 Vermeer Flowers

The lands known as 18 Parkins Avenue and described as being Concession 9, Part Lot 1, and including lands described as Part Lot 4 on Plan 28, Part of Block B may be used for the propagation and sale of flowers.

4.6.3 Community of Eastwood Subdivision

The Eastwood Subdivision is located in the central area of the Municipality, just outside of the southeast corner of the City of St. Thomas. It is almost exclusively residential in terms of land use. The Eastwood Subdivision lies within the study area for the East Side Servicing Study and is planned to be fully serviced with municipal piped water supply and sanitary sewage through an agreement with the City of St. Thomas.

4.6.3.1 Special Policies

- a) The land use designations for the Community of Eastwood Subdivision are shown on Schedule D to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.
- c) Notwithstanding the provisions of paragraph 2.3.2.1(b) to this Plan, within the Built Area, as shown on Schedule “D”, redevelopment of an existing site, new development on an existing vacant lot or infilling through the creation of a new lot, may be permitted on partial or private services, subject to following:
 1. New lot creation shall only occur by way of consent in accordance with Subsection 2.8 and Subsection 5.3.9 to this Plan;
 2. Development and/or redevelopment must be at a density that is consistent and compatible with existing development in the area; and
 3. A proponent shall be required to enter into a development agreement with the Municipality, to be registered on title, to include provisions requiring connections to municipal services when such services become available.
- d) Within the Urban Settlement Area boundary, new development will not be permitted outside of the Built Area, as shown on Schedule “D”, until:
 1. Full municipal piped sanitary and water services are available to service the area in accordance with the policies set out in Subsection 2.8. The provision of sanitary and water services will be determined based upon:
 - the completion of a servicing options study;
 - the completion of an Environmental Assessment (EA) as may be required in accordance with the Municipal Class Environmental Assessment, or as amended; and,
 - a financial strategy has been determined to the satisfaction of the Municipality to address the costs associated with the provision of municipal servicing.
 2. A subwatershed study has been completed to the satisfaction of the Municipality in accordance with the policies set out in Subsection 3.3.1.
 3. A traffic impact study has been completed to the satisfaction of the Municipality.

4.6.4 Community of Norman-Lyndale

The Community of Norman-Lyndale is located in the central area of the Municipality, just outside of the southwest corner of the City of St. Thomas. It is almost exclusively residential in terms of land use, with the exception of a strip along Sunset Drive comprised largely of government and institutional uses. The Community of Norman-Lyndale is planned to be fully serviced with municipal piped water supply and sanitary sewage through an agreement with the City of St. Thomas.

4.6.4.1 Special Policies

- a) The land use designations for the Community of Norman-Lyndale are shown on Schedule E to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.
- c) Notwithstanding the provisions of paragraph 2.3.2.1(b) to this Plan, within the Built Area, as shown on Schedule “E”, redevelopment of an existing site, new development on an existing vacant lot or infilling through the creation of a new lot, may be permitted on partial or private services, subject to following:
 - a. New lot creation shall only occur by way of consent in accordance with Subsection 2.8 and Subsection 5.3.9 to this Plan;
 - b. Development and/or redevelopment must be at a density that is consistent and compatible with existing development in the area; and
 - c. A proponent shall be required to enter into a development agreement with the Municipality, to be registered on title, to include provisions requiring connections to municipal services when such services become available.
- d) Within the Urban Settlement Area boundary, new development will not be permitted outside of the Built Area, as shown on Schedule “E”, until:
 1. Full municipal piped sanitary and water services are available to service the area in accordance with the policies set out in Subsection 2.8. The provision of sanitary and water services will be determined based upon:
 - the completion of a servicing options study;
 - the completion of an Environmental Assessment (EA) as may be required in accordance with the Municipal Class Environmental Assessment, or as amended; and,
 - a financial strategy has been determined to the satisfaction of the Municipality to address the costs associated with the provision of municipal servicing.
 2. A subwatershed study has been completed to the satisfaction of the Municipality in accordance with the policies set out in Subsection 3.3.1; and
 3. A traffic impact study has been completed to the satisfaction of the Municipality.

4.6.4.2 Special Policy Area 1 – St. Thomas Psychiatric Hospital

The St. Thomas Psychiatric Hospital property consists of approximately 445 acres located adjacent to the south limits of the City of St. Thomas. Approximately 174 acres of the property is within the Community of Norman-Lyndale and comprises the campus of the former psychiatric hospital and the location of the new Southwest Centre for Forensic Mental Health Care. The Elgin detachment of the Ontario Provincial Police also has its headquarters in this area. The remaining 271 acres is cultivated farmland.

The campus and hospital buildings may have cultural heritage values. Shortly after construction of the hospital was completed in 1939, it was converted to the No. 1 Technical Training School to train ground crews for the Royal Canadian Air Force for active duty during the Second World War. After the war in 1945 the school was closed and the hospital turned back over to the Ontario Department of Health. An Ontario Provincial Plaque has been erected on the site commemorating this history.

The property is currently managed by Infrastructure Ontario, and previously by the Ontario Realty Corporation, who retained a number of consultants to review possible alternative uses for the property. These ongoing initiatives/studies related to this site preclude the determination of the ultimate use of the lands within the context of the new Official Plan.

In addition to the other policies of this Official Plan, the following special policies shall apply to the lands shown as Special Policy Area 1 (St. Thomas Psychiatric Hospital) on Schedule E to this Plan.

- a) Until the ultimate use of the site has been established and incorporated into this Official Plan by amendment, uses on the site shall be limited to those existing on the date Council adopted this Official Plan.
- b) Prior to adopting an Official Plan Amendment for this site, the Municipality shall be satisfied that it can be adequately serviced in accordance with the policies of Section 2.8 to this Plan.
- c) Council shall encourage uses that include the adaptive re-use of the St. Thomas Psychiatric Hospital buildings, where feasible.²⁹

²⁹ Modification No. 24 under Section 17(34) of the *Planning Act*.

4.6.5 Community of Union

The Community of Union is located in the south central area of the Municipality, approximately half way between the Community of Port Stanley and the City of St. Thomas. It is almost exclusively residential in terms of land use, with the exception of a strip along the east side of Sunset Road comprised of a mix of commercial and light industrial uses. The Community of Union has been designated as an Urban Settlement Area and a target for planned future growth to be serviced with municipal piped water supply and sanitary sewage.

4.6.5.1 Special Policies

- a) The land use designations for the Community of Union are shown on Schedule F to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.
- c) Notwithstanding the provisions of paragraph 2.3.2.1(b) to this Plan, within the Built Area, as shown on Schedule “F”, redevelopment of an existing site, new development on an existing vacant lot or infilling through the creation of a new lot, may be permitted on partial or private services, subject to the following:
 1. New lot creation shall only occur by way of consent in accordance with Subsection 2.8 and Subsection 5.3.9 to this Plan;
 2. Development and/or redevelopment must be at a density that is consistent and compatible with existing development in the area; and
 3. A proponent shall be required to enter into a development agreement with the Municipality, to be registered on title, to include provisions requiring connections to municipal services when such services become available.
- d) No new development shall be permitted outside of the Built Area, as shown on Schedule “F”, until:
 1. Full municipal piped sanitary and water services are available to service the area in accordance with the policies set out in Subsection 2.8. The provision of sanitary and water services will be determined based upon:
 - the completion of a servicing options study;
 - the completion of an Environmental Assessment (EA) as may be required in accordance with the Municipal Class Environmental Assessment, or as amended; and,
 - a financial strategy has been determined to the satisfaction of the Municipality to address the costs associated with the provision of municipal servicing.
 2. A subwatershed study has been completed to the satisfaction of the Municipality in accordance with the policies set out in Subsection 3.3.1.
 3. A traffic impact study has been completed to the satisfaction of the Municipality.

4.6.5.2 Community Improvement

- a) The Community Improvement Area shown on Schedule F2 to this Plan represents the area where Council shall direct its major improvement efforts.
- b) The boundaries of the Community Improvement Area shall be considered to be flexible and minor extensions or alterations deemed to be necessary by Council may be permitted without an Amendment to this Plan, provided the general intent of the Plan is maintained.
- c) The policies of Subsection 2.10.2.1 to this Plan shall apply.

4.6.6 Community of Port Stanley

The Community of Port Stanley is located in the southerly limits of the Municipality, on the north shore of Lake Erie. Port Stanley has a rich and diverse land use history including commercial fishing, an industrial port and seasonal tourism. More recently, residential land use has gained prominence with new subdivisions and many property owners converting seasonal cottages into homes for year round occupancy. Port Stanley contains a diverse mix of commercial use with some business serving the day to day shopping needs of those who live in and around the Community, and others catering to seasonal tourism. Port Stanley is fully serviced with municipal piped water supply and sanitary waste disposal.

4.6.6.1 Special Policies

- a) The land use designations for the Community of Port Stanley are shown on Schedule G to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.

4.6.6.2 – 330 George Street

- a) Notwithstanding the Residential designation on the lands located at Municipal No. 330 George Street, a specialty greenhouse operation for the breeding and forcing of orchids comprising greenhouses and accessory uses consisting of a residence for the owners and two self-contained apartments, an administrative office and a seedling laboratory within a second converted dwelling located on-site shall be permitted.

4.6.6.3 – Port Stanley Waterfront

- a) Council through the site plan approval process for respective development applications shall make provision for public access to and along the Lake Erie beachfront in order to facilitate the development of pedestrian linkages between the beachfront area and the Commercial Core.
- b) Council shall enter into purchase, lease and/or easement agreements with the owners of respective waterfront properties to provide and maintain public access to and along the beachfront.
- c) Council shall endeavour with the assistance of senior levels of government to assemble lots on the waterfront area for public open space and recreational uses that compliment the beach front and to purchase beach lands that abuts the municipally owned Port Stanley Beach.
- d) Where areas of the waterfront are also within a Natural Hazards designation as shown on the Schedule G2, development and site alteration shall be in accordance with the policies of Subsection 3.2 of this Plan.

4.6.6.4 Port Stanley Harbour

In 1995 the Federal Government announced its long term intention to divest ownership of its holdings in Port Stanley Harbour. That ownership included approximately 53 hectares of water lots and 12 hectares of land. The land divestiture process was concluded in 2010 with the Municipality of Central Elgin taking ownership of the Harbour and associated infrastructure. Together with Little Beach, which is also owned by the Municipality, this area is shown as Port Stanley Harbour on Schedule G3. On the west side of Kettle Creek there are lands in private ownership that are currently in use as storage areas for industrial products. Their long term viability for industrial use is in question because of changing economic conditions. They are shown as Adjacent Harbour Lands on Schedule G3. Collectively, the Port Stanley Harbour and Adjacent Harbour Lands are underutilized, contaminated and require long term remediation and regeneration. At the same time, these lands offer an opportunity for private sector investment and re-purposing of this very unique harbour. Regeneration of the harbour lands will also catalyze the potential for re-investment in other adjacent areas also shown on Schedule G3 such as the Maud and Bessie Area, and elevate interest in preserving views and access to the harbour in the Main Street/Bridge Street Adjacent Lands in the commercial core. The following policies are intended to put into effect the long term planning and repurposing of Port Stanley Harbour and the adjacent lands.

Goals:

- To facilitate public access to the waterfront on a year round basis;
- To create opportunities for increased tourism and sustainable economic activity;
- To stimulate private sector interest and investment in the harbour;
- To facilitate environmental remediation of the lands that will allow safe public use; and
- To facilitate community activity on the waterfront through opportunities for active and passive recreational uses.

a) Within the Port Stanley Harbour designation:

1. Permitted uses shall include tourism oriented and recreation type uses such as hotels, inns, places of entertainment, retail and service commercial uses, restaurants and eateries, transient boat docks and launching facilities, marina, passive open space, picnic areas, water play areas, amphitheatre. Opportunities for access to the waterfront that encourage active transportation will also be permitted.
2. The existing commercial fishery uses including fish storage, processing and sale, boat repair, berthing facilities and marine supply outlets are also permitted.

b) Within the Adjacent Harbour Lands designation:

1. Existing uses are permitted. New industrial uses shall be directed to the Major Industrial or Commercial-Industrial designated areas of the Municipality.
2. Permitted uses shall include tourism oriented and recreation type uses such as hotels, inns, places of entertainment, retail and service commercial uses, museums, restaurants and eateries.

3. Residential uses are permitted subject to meeting the other policies contained in Subsection 3.9 to this Plan.
- c) New uses in the Port Stanley Harbour and Adjacent Harbour Lands designations are subject to the following criteria:
1. The property shall have frontage on a public road constructed to a municipal standard;
 2. The proposed use can be serviced with full municipal water supply, sanitary sewage disposal and storm water management in accordance with the policies contained in Section 2.8 of this Plan;
 3. Opportunities for active transportation access for the public to the waterfront shall be encouraged;
 4. A high standard of building and landscape design shall be encouraged that is compatible with surrounding land uses and the overall character of the Port Stanley community, and preserves, where feasible, views and vistas of the harbour from surrounding areas. Council shall ensure through the requirements of the Zoning By-law and site plan approval that the height and scale of new buildings and structures is compatible with surrounding land uses.
 5. Adequate off-street parking shall be provided and maintained on-site for the proposed use;
 6. An amendment to the Zoning By-law is approved; and
 7. All proposed new development is subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.
- d) The Main Street/Bridge Street Adjacent Lands as shown on Schedule G3 is not a specific land use category, but shall be interpreted as a performance category in which the following policies are to apply in conjunction with the policies of the underlying land use designation:
1. Opportunities for active transportation access for the public to the waterfront shall be encouraged, to facilitate linkages between the commercial core and the harbour area.
 2. A high standard of building and landscape design shall be encouraged that is compatible with surrounding land uses and the overall character of the Port Stanley community, and preserves, where feasible, views and vistas of the harbour from surrounding areas. Council shall ensure through the requirements of the Zoning By-law and site plan approval that the height and scale of new buildings and structures is compatible with surrounding land uses.
- e) The Municipality shall prepare a comprehensive secondary land use plan encompassing the Greater Harbour Area as shown on Schedule G3 to include Port Stanley Harbour, Adjacent Harbour Lands, the Main Street/Bridge Street Adjacent Lands and the Maud and Bessie area. The secondary plan will lay out the long-term plan for the re-purposing of the Port Stanley Harbour lands and their planned integration with the adjacent waterfront areas in Port Stanley.

4.6.6.5 - Kettle Creek Valley (North of George St.)

- a) Notwithstanding the Residential designation on the lands in the Kettle Creek Valley north of George St. as shown on Schedule G, a public golf course is permitted as an additional use.

4.6.6.6 – Port Stanley Commercial Uses

In addition to the policies found in Subsection 4.3.2 to this Plan, the following special policies shall apply to all lands designated General Commercial on Schedule G:

- a) In order to continue to attract visitors and tourists to the Community, Council shall encourage streetscape improvements be made to the Commercial Core in accordance with municipal design guidelines encompassing the commercial core, William Street, the Lake Erie beachfront, the harbour and Kettle Creek. Building facade and streetscape improvements shall address:
1. The coordination of signs, lighting, and the general upgrading and maintenance of buildings;
 2. The provision, design and maintenance of parking areas; and,
 3. Streetscape improvements including walkways, benches, landscape plantings, lighting, signage and other street fixtures.
- b) Adequate off-street parking and loading facilities shall be provided and no open storage shall be permitted. The provision and use of shared, centrally located off-street parking facilities to comply with parking requirements set out in the implementing Zoning By-law shall be permitted where cash-in-lieu of on-site parking has been provided in accordance with requirements of Council.
- c) A network of pedestrian walkways shall be provided to facilitate access to all amenities and encourage pedestrian shopping and between the Lake Erie beachfront and the commercial core to attract tourists to the "downtown" area to shop.
- d) Because of their contribution to the village, buildings and structures of historic or architectural interest in the Community shall be preserved where feasible as part of any proposed re-use of those facilities.
- e) Improvements in the form of infill development, upgrading and rehabilitation shall be encouraged, including the rear of buildings which are visible from adjacent streets or other vantage points along the harbour.
- f) Streetscape improvements, landscaping and attractive building forms shall be encouraged.
- g) Pedestrian walkways between the commercial core, the harbour, Kettle Creek and the Lake Erie beachfront shall be developed over the long term through coordinated public and private initiatives.
- h) Council shall encourage the creation of a Business Improvement Area (BIA) encompassing the commercial core and the Lake Erie beachfront areas.
- i) Applications for mixed-use commercial/residential development in the Village's commercial core shall be reviewed on the basis of the following criteria:

1. Compatibility with the general character of the area and, in particular, proximity effects upon adjacent uses, i.e. visual, shadowing;
2. Capacity of existing infrastructure services and roads to accommodate the proposed use(s);
3. Proximity to community services and facilities;
4. Availability of on-site or shared off-street parking;
5. Structural/physical character of a host building or site to accommodate intensification, re-use and/or redevelopment; and,
6. Provision of open space amenities, landscaping, buffers, etc.

4.6.6.7 - Marinas

- a) Marinas are designated “Marina” on Schedule G to this Plan and may be used for public and private marinas.
- b) Permitted uses include the docking, storage and repair of boats and other watercraft. The sale of parts and accessories required for the ongoing maintenance of boats and watercraft is also permitted.
- c) Buildings and structures accessory to the marina use, including boat launch facilities, a clubhouse or buildings for equipment storage are permitted.
- d) A landscaped buffer and/or screening shall be provided between marinas and adjacent residential areas. The Land Use Compatibility policies contained within Subsection 3.9 to this Plan shall apply.
- e) Standards for off-street parking and loading facilities shall be established through the implementing zoning by-law.
- f) Development shall be subject to the flood plain policies set out in Subsection 3.2 to this Plan.
- g) Marinas shall be required to obtain all necessary approvals for water lots from the Ministry of Natural Resources in accordance with the Public Lands Act.
- h) The property shall have frontage on a public road maintained to a municipal standard.
- i) All proposed new marinas or additions/expansions to existing marinas are subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. Provision shall be made where feasible for public access/walkways to and along Kettle Creek through the site plan approval process.
- j) Any property that abuts Kettle Creek in any land use designation may provide docking facilities for boats and other watercraft for personal gain, subject to the following criteria:
 1. The property shall have frontage on a public road maintained to a municipal standard.
 2. Adequate off-street parking shall be provided.
 3. The proponent shall obtain all necessary approvals for water lots from the Ministry of Natural Resources in accordance with the Public Lands Act.
 4. An amendment to the zoning by-law is required.

5. Site Plan approval pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended is required.

4.6.6.8 Existing Uses – Edith Cavell Boulevard West

Many of the residential uses along Edith Cavell Boulevard West existing at the date of adoption of this Official Plan are former cottages which have been converted to permanent residences. In many instances the existing lots are generally inadequate in size to comply with the residential lot standards in the Zoning By-law and, in the area west of the Edith Cavell turnaround, right-of-ways for the access roads have insufficient width to satisfy municipal engineering standards for services, road plowing, etc.

a) It shall be Council's policy that:

1. Public access to and along the beachfront be secured through purchase, lease and/or easement agreements with owners of waterfront property; and,
2. Residential uses be permitted to locate in this area in accordance with the implementing Zoning By-law.
3. No additions to residential uses be permitted except in accordance with the implementing Zoning By-law. Consideration shall be given to such matters as the following:
 - i. the proposed lot has sufficient frontage and lot area to comply with the standards for residential uses in the implementing Zoning By-law;
 - ii. the lot is located on and has access to an existing public road that is built to municipal standards and maintained year round or the property owner is dedicating lands to the village for a future right-of-way widening to bring the road up to municipal standard;
 - iii. the lot is serviced with full municipal services;
4. Over time sufficient lands be secured through dedication or purchase to provide a right-of-way that will facilitate the construction of the access roads to municipal standards;
5. The assembly of existing lots not in compliance with municipal standards be encouraged to facilitate comprehensive redevelopment for residential uses that contribute to the waterfront amenity;
6. In addition to securing beachfront lands for public access, efforts shall be made with assistance of senior levels of government to assemble lots in this area for public open space and recreational uses that compliment the beachfront.
7. Council shall endeavour to secure public access to the Lake Erie beachfront from Port Stanley Beach adjacent to the west pier of the Inner Harbour to the west boundary of the village.

4.6.6.9 Community Improvement

- a) The Community Improvement Area shown on Schedule G4 to this Plan represents the area where Council shall direct its major improvement efforts.
- b) The boundaries of the Community Improvement Area shall be considered to be flexible and minor extensions or alterations deemed to be necessary by Council may be permitted without an Amendment to this Plan, provided the general intent of the Plan is maintained.
- c) The policies of Subsection 2.10.2.1 to this Plan shall apply.

4.6.7 Community of New Sarum

The Community of New Sarum is located in the central area of the Municipality, east of the St. Thomas Municipal Airport. It is largely residential in terms of land use; with a couple of small commercial uses. Water supply in the Community of New Sarum is provided predominantly through private wells, although municipal piped water has been extended from Highway 3 to the Blossom Ridge subdivision. Sewage disposal is provided through private sewage disposal systems, and there are no plans to bring sanitary sewage services into the New Sarum area.

4.6.7.1 Special Policies

- a) The land use designations for the Community of New Sarum are shown on Schedule H to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.
- c) Notwithstanding the provisions of paragraph 2.3.2.1(b) to this Plan, redevelopment of an existing site, new development on an existing vacant lot or infilling through the creation of a new lot, may be permitted on partial or private services, subject to following:
 1. New lot creation shall only occur by way of consent in accordance with Subsection 2.8 and Subsection 5.3.9 to this Plan;
 2. Development and/or redevelopment must be at a density that is consistent and compatible with existing development in the area.

4.6.8 Community of Orwell

The Community of Orwell is located in the easterly limits of the Municipality along Highway #3 (Talbot Line). It is almost exclusively residential in terms of land use. The Community of Orwell is serviced with private wells and private sewage disposal systems, and there are no plans to bring municipal piped water supply or sanitary sewage services into the Orwell area.

4.6.8.1 Special Policies

- a) The land use designations for the Community of Orwell are shown on Schedule I to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.
- c) Notwithstanding the provisions of paragraph 2.3.2.1(b) to this Plan, within the Built Area, as shown on Schedule “E”, redevelopment of an existing site , new development on an existing vacant lot or infilling through the creation of a new lot, may be permitted on partial or private services, subject to following:
 1. New lot creation shall only occur by way of consent in accordance with Subsection 2.8 and Subsection 5.3.9 to this Plan;
 2. Development and/or redevelopment must be at a density that is consistent and compatible with existing development in the area; and

4.6.9 Community of Sparta

The Community of Sparta is located in the southeasterly quadrant of the Municipality. It is largely residential in terms of land use; however it also contains a small but vibrant commercial core featuring stores offering unique gifts and crafts that are in keeping with the heritage character of this former hamlet. Sparta and the surrounding area is home to some of the Municipality's oldest architectural heritage buildings, and supports a tourist function catering to those who enjoy the character of the area and the unique offerings of the shops and restaurants. The Community of Sparta is serviced with private wells and private sewage disposal systems, and there are no plans to bring municipal piped water supply or sanitary sewage services into the Sparta area.

4.6.9.1 Special Policies

- a) The land use designations for the Community of Sparta are shown on Schedule J to this Plan.
- b) New development shall be subject to the applicable policies contained within Sections 2, 3, 4 and 5 to this Official Plan.
- c) Notwithstanding the provisions of paragraph 2.3.2.1(b) to this Plan, redevelopment of an existing site, new development on an existing vacant lot or infilling through the creation of a new lot, may be permitted on partial or private services, subject to following:
 1. New lot creation shall only occur by way of consent in accordance with Subsection 2.8 and Subsection 5.3.9 to this Plan;
 2. Development and/or redevelopment must be at a density that is consistent and compatible with existing development in the area.
- d) Within the "Heritage Preservation Area" as shown on Schedule J, the following special policies shall apply in addition to the policies of the underlying land use designation:
 1. Maintenance of buildings and the character of the area will be encouraged through conservation and rehabilitation in a compatible aesthetic context;
 2. Council will encourage the conservation of the historic visual character of the area including the preservation of buildings and structures, and the incorporation of streetscape features such as landscaping, lighting, signage and fencing;
 3. Council will encourage preserving and maintaining the adaptive reuse of heritage properties;
 4. Council will support the village atmosphere through the preservation and design of streetscapes, rights-of-way, public spaces and outdoor areas;
 5. Site plan approval will be required; and,
 6. Proponents of development or redevelopment may be required to prepare a heritage impact statement where construction, alteration, or addition is proposed to a property located within the Special Heritage Preservation Area. The heritage impact statement is to be prepared by a qualified person to the satisfaction of the Municipality to address any potential impact on cultural heritage resources. The scope of the heritage impact statement will be determined in consultation with the Heritage Committee and must include information and assessment relevant to the circumstances, including alternative

development approaches or mitigation measures to address any impact to the cultural heritage resource and its attributes.

4.6.9.2 Community Improvement

- a) The Community Improvement Area shown on Schedule J2 to this Plan represents the area where Council shall direct its major improvement efforts.
- b) The boundaries of the Community Improvement Area shall be considered to be flexible and minor extensions or alterations deemed to be necessary by Council may be permitted without an Amendment to this Plan, provided the general intent of the Plan is maintained.
- c) The policies of Subsection 2.10.2.1 to this Plan shall apply.

5.0 IMPLEMENTATION AND MONITORING OF THE PLAN

This Section deals with the implementation and monitoring policies to be used to implement the Official Plan. The Plan will be implemented by means of the powers bestowed upon Central Elgin by the *Planning Act*, the *Municipal Act* and any other statutes as may be applicable. Specifically, the Plan will be implemented through the enactment of zoning by-laws, other planning tools available to Central Elgin and the undertaking of public works.

5.1 OFFICIAL PLAN MONITORING AND REVIEW

The PPS is the lead external document, which represents the Provincial interests from a planning perspective. Both the community and provincial perspectives must be represented in the Plan. Over the lifetime of this Plan, external forces, such as new Provincial policies or changes in community desires may necessitate amendments to this Plan. Therefore, Plan monitoring and review is required to identify trends in planning issues in Central Elgin, to analyze the effectiveness of the policies of the Plan, and to allow for adjustments and updating.

5.1.1 Official Plan Monitoring - Policies

- a) At a minimum, monitoring and review of this Plan will be conducted to meet the five-year plan review requirement of Subsection 26 of the *Planning Act*.
- b) In response to any changes in the regulatory environment, changes to the provincial policy or other planning initiatives, Central Elgin may initiate an amendment process at any time.
- c) Where judicial or quasi-judicial decisions, including those of the Ontario Municipal Board, materially impact Central Elgin's interpretation or intent in the policies of this Plan, Council may choose to initiate a review of any or all of the policies at any time.
- d) Additional monitoring of this Plan and the monitoring of sewer and water serving capacity may be included in:
 1. Staff reports;
 2. Provincial Performance Measures reporting required by the Province.

5.1.2 Amendments to the Plan

The Province is the Approval Authority for applications to amend Central Elgin's Official Plan. Central Elgin will consider all complete applications to amend this Plan in consultation with the Province, and will notify the public, Agencies and the County of Elgin in accordance with the Planning Act.

5.1.2.1 Amendments to the Plan - Policies

- a) Any specific Official Plan amendment procedures and supporting information requirements as outlined in the policies of this Plan will apply in the consideration of the application and the completeness of the application, in accordance with the requirements of the *Planning Act* and in accordance with specific Sections of this Plan related to information requirements.

- b) Applications to amend this Plan will include a Planning Justification Report for the proposed change, prepared by the proponent. Central Elgin may waive the requirement for a Planning Justification Report for minor and/or site-specific amendments. The Planning Justification Report will include, but not be limited to, the following criteria:
1. Information regarding the proposed use;
 2. An analysis of how the proposed amendment conforms to prevailing Provincial policy and the policies of this Plan;
 3. An analysis of the impacts of the proposed amendment on the provision of and demand for services, infrastructure and facilities, the transportation system, community amenities;
 4. The adequacy of the proposed servicing with respect to the servicing policies of this Plan;
 5. An analysis of the impact of the proposed amendment on surrounding land uses;
 6. An analysis of the impact of the proposed amendment on agricultural land and uses;
 7. An analysis of the impact of the proposed amendment on cultural and/or natural heritage features, and natural resources;
 8. An analysis of the impact of the proposed amendment on the financial sustainability of Central Elgin;
 9. Any other information determined by Central Elgin, in consultation with the appropriate agencies, to be relevant and applicable.

5.1.3 Comprehensive Reviews

A comprehensive review of the Official Plan may be initiated at any time by Central Elgin or alternatively by an Official Plan Amendment which is initiated or adopted by Central Elgin in accordance with the Policies of Subsection 5.1.2. A comprehensive review is required to identify a settlement area or support proposals for either an expansion of a settlement area or the conversion of Employment Area lands to non-employment uses.

5.1.3.1 Comprehensive Reviews - Policies

1. Sufficient opportunities for growth are not within designated growth areas to accommodate the projected needs over the projected 20 year time horizon within Central Elgin;
2. Any opportunities for infill, redevelopment and intensification have been examined and accounted for as alternatives to an Urban Settlement Area expansion;
3. The amount of land included with the expansion area is justified based upon the amount of land available to service the projected population and housing demands within Central Elgin;
4. The proposed expansion area is a logical extension of the Urban Settlement Area and will be fully serviced with municipal sanitary sewerage and water supply;
5. The lands are not considered a specialty crop area as defined by the PPS;
6. Where agricultural areas are included, there are no reasonable alternatives which avoid prime agricultural areas and there are no reasonable alternatives on lower priority

agricultural lands;

7. Impacts from the expanding urban area on agricultural operations that are adjacent or close to the Urban Settlement Area are mitigated to the extent possible including satisfying the Province's Minimum Distance Separation Formulae;
8. The lands are physically suitable for development and will avoid Natural Hazard lands;
9. The existing or planned infrastructure and public service facilities are suitable to accommodate the proposed expansion area;
10. The transportation network can reasonably accommodate the additional volumes of traffic and demand for services;
11. An acceptable plan for the phasing, financing and construction of the required infrastructure is developed;
12. The proposed expansion area will not have a negative impact on any natural heritage feature or their ecological functions, or any natural resources;
13. The proposed expansion area will not have a negative impact on any Cultural Heritage resources;
14. Cross-jurisdictional issues that may arise from a proposed urban expansion shall be taken into consideration.

5.2 PUBLIC PARTICIPATION

The public was actively engaged in the development of this Plan. Central Elgin will take steps to ensure the continuation of a public consultation program that will actively engage the public in the monitoring of this Plan.

5.2.1 Public Participation – Policies

- a) Central Elgin will provide the opportunity for residents and property owners to become involved and participate in the planning process related to the implementation of this Plan, in accordance with the requirements of the Planning Act and the policies of this Plan. A variety of techniques will be used to encourage public participation when changes to this Plan are being considered.
- b) Central Elgin will provide notification of any amendment to this Plan in accordance with the requirements of the *Planning Act* and may consider additional notice when it is deemed necessary.

5.3 PLAN IMPLEMENTATION

5.3.1 Zoning By-law

In accordance with the *Planning Act*, Central Elgin will prepare, and Council will adopt, a Comprehensive Zoning By-law that will be in conformity with the goals, policies and land use designations contained in this Plan.

5.3.1.1 Zoning By-law – Policies

- a) The Zoning By-law will establish specific zones, permitted uses and provisions that reflect the policies and land use designations of this Plan. Within each land use designation, more than one zone may be established to ensure that the policies of this Plan are properly maintained. It is not the intent of this Plan to necessarily zone all land for uses designated in this Plan.
- b) Existing uses may be recognized in the implementing Zoning By-law, notwithstanding the policies of this Plan.

5.3.2 Holding Zones

In accordance with the *Planning Act*, the Zoning By-law may contain holding provisions in order to achieve orderly development and ensure that policies established in this Plan have been met.

5.3.2.1 Holding Zones - Policies

- a) Central Elgin may place a holding symbol on the zone that prevents development from occurring until Central Elgin is satisfied that certain conditions have been met, allowing Central Elgin to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding.
- b) Specific actions or requirements for lifting of the holding provision will be set out in the Zoning By-law or the amendment thereto. Once the required conditions are met, Council will consider removal of the holding symbol through an amendment to the By-law.

5.3.3 Temporary Use By-laws

Temporary Use By-laws may be enacted to allow the short-term use of land, buildings or structures for a purpose otherwise prohibited by the Zoning By-law for a specific period of time not to exceed three years or a period not to exceed ten years when considering for a garden suite. A temporary use by-law will define the land to which it applies, and will prescribe the period of time during which it is in effect. Upon the expiration of the Temporary Use By-law, the use will cease to exist and will not be considered an existing use. Council may pass subsequent by-laws granting extensions of up to three years. Council may extend this by passing further by-laws, subject to the specific policies of this Plan.

5.3.3.1 Temporary Use By-laws - Policies

- a) Central Elgin will consider the following, before enacting a Temporary Use By-law:
1. The proposed use will be temporary in nature, and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use(s) upon the termination of the temporary use provisions;
 2. The compatibility of the proposed use with the surrounding land uses and character of the surrounding area
 3. The proposed use will be properly serviced and not require the extension or expansion of existing municipal services;
 4. The proposed use will not create any traffic problems with the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the area roads;
 5. Parking facilities will be provided entirely on-site;
 6. The proposed use will generally be beneficial to Central Elgin.

5.3.4 Interim Control By-laws

An Interim Control By-law may be enacted by Council in accordance with the relevant sections of the *Planning Act* to control the use of lands and buildings until studies required by Central Elgin to assess planning and engineering issues have been prepared and approved.

5.3.4.1 Interim Control By-laws - Policies

- a) The Interim Control By-law will:
1. Describe the specific area affected;
 2. Identify the period of time for which the Interim Control By-law is in effect, up to one year, with an allowance for one additional extension of one year which may be granted by amending the Interim Control By-law, if the studies have not been finalized; and
 3. Identify the uses prohibited.

5.3.5 Bonus/Density Increases

In accordance with the *Planning Act*, Central Elgin may pass, at its sole discretion, a site-specific Zoning By-law amendment to authorize increases in the height and density of development above what is permitted in the Zoning By-law

5.3.6 Site Plan Control

Central Elgin may implement Site Plan Control as provided for in the *Planning Act*.

5.3.6.1 Site Plan Control - Policies

- a) Subject to the policies of this Plan, Council will pass a by-law designating the entire Municipality as a site plan control area.
- b) Where development consists of single detached, duplexes or semi-detached dwellings, site plan control will not apply, except in cases where specifically required by this Plan, such as in cases where development is proposed on identified Hazard Land areas.
- c) Where development consists of farm operations, farm buildings and the residence of the farm operator, site plan control will not apply, except in cases where specifically required by this Plan, such as where an on-farm secondary business is proposed.
- d) Central Elgin may require proponents to execute a site plan agreement under circumstances where there is construction of more than one building or structure, where the size of a building is to be substantially increased, where the intensity of a use is to increase, where there is the development of a commercial parking lot, and/or in other circumstances deemed appropriate by Council.
- e) Central Elgin may consult with the appropriate Conservation Authority and any other relevant agencies when considering applications for site plan approval, where applicable.
- f) Central Elgin may apply certain conditions to site plan approval, and may require that a certain standard of design be applied including exterior and/or sustainable design elements in accordance with the Community Design Policies outlined in Section 2.10.3 of this Plan or in accordance with more detailed Urban Design Guidelines that Central Elgin may choose to prepare in the future.
- g) Central Elgin will require financial security prior to development.

5.3.7 Minor Variances

In accordance with the *Planning Act*, minor variance applications may be considered to the provisions of the Zoning By-law.

5.3.7.1 Minor Variances - Policies

- a) Council may appoint a Committee of Adjustment to deal with all applications for minor variance to the provisions of the Zoning By-law and other By-laws, as delegated by Council.
- b) The Committee of Adjustment will deal with such applications in accordance with the requirements (four tests) of Section 45(1) of the *Planning Act*.

5.3.8 Plans of Subdivision and Condominium

Application for approval of a draft plan of subdivision or condominium will be considered on the basis of the underlying land use designation and the associated policies of this Plan. While the designated approval authority will deal with all applications for draft plan approval in accordance with the relevant provisions of the *Planning Act*, applications that do not conform to the policies of this Plan will not be approved.

5.3.8.1 Plans of Subdivision and Condominium - Policies

- a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements and part-lot control, will be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.
- b) Only those plans of subdivision or condominium will be approved which:
 1. Conform with the policies and designations of this Plan;
 2. Can be provided with adequate services and facilities as set out in this Plan; and
 3. Are not premature in nature.
- c) In evaluating applications for a plan of subdivision or condominium, Central Elgin will consider all matters contained in Section 51 of the *Planning Act* and additional information specified in this Plan in totality to determine the information required by an applicant to form a complete application for approval of a plan of subdivision or condominium:
- d) A plan of subdivision will generally be required:
 1. where a new road or extension to an existing road is required; or;
 2. where more than five lots are to be developed and/or the owner is retaining sufficient lands for the development of additional lands; or
 3. where Central Elgin deems it necessary for the proper development of the lands.
- e) Natural Heritage Features and functions will be protected and preserved in the design of any plan of subdivision or condominium.
- f) Plans of subdivision or condominium will be appropriately phased to ensure orderly and staged development.
- g) All plans of subdivision will be subject to a subdivision agreement between Central Elgin and the development proponent.
- h) All plans of condominium will be subject to a development agreement between Central Elgin and the development proponent.
- i) Parkland dedication will be provided pursuant to Subsection 2.4.3 of this Plan.
- j) Central Elgin may request that approval lapses at the expiration of a specified time period, being not less than 3 years. The approval authority, in consultation with Central Elgin may extend the approval time period, prior to its expiration.

- k) Central Elgin may request that the Approval Authority withdraw the approval of a draft plan of subdivision or condominium or change the conditions of such approval at any time before the final approval of the plan of subdivision or condominium.
- l) Central Elgin may consider passing a By-law under the provisions of the Planning Act deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered.

5.3.9 Consents

The County of Elgin Land Division Committee is the Approval Authority for consents under the relevant provision of the *Planning Act*. Applications for consent to sever land will be considered on the basis of the policies of this Plan. The decisions of the Land Division Committee will also be consistent with the prevailing Provincial policy.

5.3.9.1 Consents - Policies

The following policies will apply to applications for consent, in addition to the specific land division and/or consent policies associated with the applicable land use designation:

- a) A consent should only be considered where a plan of subdivision is deemed to be unnecessary, and the consent will not result in the creation of five or more new lots to be created from a single, original parcel of land existing at the time of adoption of this Plan.
- b) A consent for technical or legal purposes, such as a boundary adjustment, easement or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance.
- c) In evaluating consent applications in all land use designations of the Plan, the following general policies will apply, in addition to the other policies of this Plan:
 1. Lots created by consent, both severed and retained, will have frontage on and access to an open, improved public road, which is maintained to a Municipal Standard as set out in Section 2.8.5.1 to this Plan;
 2. Lots will not be created which would access onto a road where a traffic hazard would be created due to limited sight lines;
 3. Any required road widening, improvements or extensions to existing rights-of-way may be required as a condition of severance approval; and
 4. Consents will not restrict the development of other parcels of land, particularly the provision of access to allow the development of remnant parcels.
 5. Lots created by consent, both severed and retained, will have an adequate lot size for existing and proposed uses considering the level of services available and the soil conditions, and will allow for the development of a use which is compatible with adjacent uses by providing for sufficient setbacks from neighbouring uses;
 6. Lot created by consent will comply with the provisions of the Zoning By-law. Where it is not possible to meet the standards of the Zoning By-law, Central Elgin may amend the

- standards in the By-law or a Minor Variance may be granted as a condition of approval, where it is considered appropriate;
7. A hydrogeological study to confirm the adequacy of soil conditions, hydrogeological suitability, and suitability for potential future private services may be required; and
 8. The parkland dedication policies of Section 2.5.1.2 will apply to approved consents.
- d) For a consent application, Central Elgin, in consultation with the Land Division Committee, may request that the Land Division Committee require the following conditions of approval for the severed lot(s) and/or retained lot where such conditions are deemed appropriate:
1. Payment of taxes;
 2. Payment of development charges;
 3. Payment of drainage and local improvement charges;
 4. Provisions for connection to the municipal water or sanitary sewage systems;
 5. Provisions for stormwater management;
 6. Road dedications and improvements;
 7. Parkland dedications or payment-in-lieu;
 8. Approval of a Zoning By-law amendment or Minor Variance;
 9. Site Plan approval; and
 10. Other technical matters deemed appropriate.
- e) Consents intended for development purposes will not be permitted under the following circumstances:
1. The land is located within any Natural Heritage Feature, and a suitable building envelope cannot be supported through the evaluation of an Environmental Impact Study;
 2. The land is located in a Natural Hazard Area as identified in this Plan;
 3. Provincial, County or Municipal transportation objectives, standards or policies cannot be maintained; or
 4. The severed and retained parcels cannot be provided with an adequate level of service.

5.3.10 Lawful Non-Conforming Uses

A Lawful Non-Conforming Use is a legal use of a parcel of land, building or structure that was established before the date that the Zoning By-law was approved, but which does not conform to the regulations in the Zoning By-law. The Committee of Adjustment will deal with all applications for the enlargement or extension of a legal non-conforming use, as delegated by Council under Section 45(2) of the *Planning Act*.

5.3.10.1 Lawful Non-Conforming Uses - Policies

An application for the enlargement or extension of a lawful non-conforming use will be judged as follows:

- a) The proposed expansion does not significantly increase the size of the non-conforming use;
- b) The proposed expansion does not require an adjustment to the boundary between two areas of different land use;
- c) The proposed expansion does not increase its incompatibility with the surrounding area;
- d) Conditions that may minimize any potential nuisances can be imposed, including but not limited to, landscaping, screening, and setbacks;
- e) Factors such as traffic safety, parking, loading, and municipal services are not adversely affected; and
- f) Lawful non-conforming uses destroyed by fire or natural disaster may be rebuilt provided that the dimensions of the building or structure are not increased.

5.3.11 Non-Complying Building and Structures

Where an existing use of land is permitted within the applicable zone in the Zoning By-law, but the lot, buildings or structures located on the property do not meet one or more of the provisions or regulations of the applicable zone, the use will be considered to be legal non-complying.

5.3.11.1 Non-Complying Buildings and Structures - Policies

Applications for the expansion, alteration, reconstruction or addition of a non-complying building will be considered by way of Zoning By-law amendment or minor variance, depending on the nature of the proposal.

5.3.12 Land Acquisition

Central Elgin may acquire land to implement any element of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act* or any other Act.

5.3.12.1 Land Acquisition - Policies

- a) Central Elgin will consider all options for the acquisition of land, including:
 1. Dedication;
 2. Donations;
 3. The bonusing provisions of the *Planning Act*, subject to the other relevant policies of this Plan;
 4. Density transfers;
 5. Land exchange;

6. Assistance from other levels of government, agencies and charitable foundations;
 7. Long-term lease;
 8. Easement agreements;
 9. Purchase agreements;
 10. Partnerships;
 11. Land trusts;
 12. Placing conditions on development approval;
 13. Ecological gifts; and
 14. Expropriation.
- b) Where park and open space dedicated lands are insufficient in size or shape for the intended uses and needs, in accordance with Subsection 2.5.1.2, Central Elgin will consider acquisition of additional lands for park and open space purposes.
- c) Notwithstanding the above, Central Elgin will not be obligated to acquire or purchase any land, save and except for where specifically required to do so in order to obtain necessary Federal and/or Provincial statutory approvals.

5.3.13 Property Standards

Council may enact by-laws pursuant to the *Ontario Building Code Act*, setting out minimum standards for the maintenance and occupancy of all building and properties. Any such by-law will apply to part of Central Elgin, or throughout the entire Municipality.

5.3.13.1 Property Standards – Policies

- a) These by-laws should have regard for any or all of the following matters or related items and set appropriate standards or conditions for:
1. The physical conditions of vacant land, yards and passageways including the accumulation of debris and rubbish;
 2. The adequacy of sanitation including drainage, waste disposal, garbage and pest control;
 3. The physical condition of accessory buildings; and
 4. The physical conditions of dwellings or dwelling units, institutional, commercial and/or industrial buildings, structures and properties.
- b) Any such by-law may require that substandard properties be repaired and maintained to comply with the standards, prohibit the use of a substandard property and require the demolition and clearing of such property which the owner does not intend to repair and maintain.
- c) Upon passing a Property Standards By-law, the Municipality will appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law. Council may also appoint a Property Standards Committee for the purposes of hearing appeals against any order issued by the Property Standards Officer.

5.4 PRE-CONSULTATION, SUPPORTING STUDIES, INFORMATION AND MATERIALS FOR COMPLETE APPLICATIONS

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

5.4.1 Pre-Consultation, Supporting Studies, Information and Materials for Complete Applications - Policies

- a) Council shall permit applicants to consult with the Municipality prior to submitting application made under the *Planning Act*.
- b) Council, may, by by-law, require applicants to consult with the Municipality prior to submitting the following:
 1. An application to amend the Official Plan;
 2. An application to amend the Zoning By-law;
 3. An application, plans and drawings for Site Plan Approval; and/or
 4. An application for approval of a plan of subdivision or plan of condominium.
- c) Applicants seeking development approval will be advised of the required supporting studies, information and materials as part of the pre-application consultation process or, if subsequently deemed necessary in order to deem the application(s) to be complete in accordance with the *Planning Act*, prior to scheduling a prescribed public meeting. Support studies may vary in scope, depending on the size, nature and intent of the development approval application and the site's land use planning context. Specifically, Central may require the applicant to submit any of the following supporting studies, in accordance with the policies outlined in this Plan and/or accepted professional standards and/or guidelines as applicable:
 1. Deed and/or Offer to Purchase;
 2. Topographic Plan of Survey;
 3. Conceptual Site Plan;
 4. Floor Plan and/or Elevations;
 5. Servicing Report;
 6. Geotechnical Survey;
 7. Tree Survey;
 8. Draft Plan of Subdivision;
 9. Condominium Description;
 10. Planning Justification Report;

11. Transportation Impact Study;
 12. Watershed and/or Subwatershed Study;
 13. Issues Scoping Report;
 14. Environmental Impact Study;
 15. Servicing Study;
 16. Stormwater Management Plan;
 17. Archaeological Assessment;
 18. Hydrogeological Study;
 19. Groundwater Impact Assessment;
 20. Agricultural Impact Study;
 21. Record of Site Condition (RSC);
 22. Phase 1 Environmental Site Assessment;
 23. Noise and/or Vibration Study;
 24. Built Heritage Impact Study;
 25. Lighting Study;
 26. Shoreline Processes Study/Bluff Erosion Analysis; and
 27. Other studies relevant to the development and lands impacted by the proposed development approval application.
- d) When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies, the application will not be considered complete for processing purposes until the required supporting studies, information and materials is prepared and submitted to the satisfaction of the Municipality. Notification of a complete application will be given to the applicant and all other parties by Central Elgin in accordance with the *Planning Act*.
- e) Central Elgin will ensure that supporting studies, information and materials provided by an applicant of a development approval application that has submitted a complete application for development approval will be made available to the public.

5.4.2 Peer Review

If upon completion and subsequent review of a study submitted in support of a development proposal there remains outstanding matters unresolved between the findings and/or recommendations of the study and the position/opinion of the Municipality and/or review agency, Central Elgin may retain the services of its own consultant to conduct a peer review of such study and provide Council with an independent opinion on such matters for Council's consideration. The costs associated with such peer review will be borne by the proponent of development.

5.5 INTERPRETATION

Municipal Council, appointed Committees and Municipal staff will be responsible for interpreting all aspects of the Plan. Where policies may reference specific issues of significance to the Province, the interpretation of this Plan will be conducted in conjunction with the Ministry of Municipal Affairs and Housing, as the sections of the Plan are interrelated, the Plan will be read and interpreted in its entirety:

5.5.1 Interpretation – Policies

- a) The boundaries of the land use designations as shown on the land use schedules to this Plan are approximate and shall be considered absolute only where they coincide with roads, railway lines, lot lines or other clearly defined physical features. Amendments to the Plan are not required in order to make minor adjustments to a land use boundary not defined by such physical features provided the intent of the Plan is maintained.
- b) The boundaries of settlement areas are considered to be definite. In accordance with the PPS, expansion of a settlement area boundary may be considered at the time of a comprehensive review of this Plan and where requirements of the PPS have been satisfied.
- c) Where the meaning of any phrasing or any part of any section is unclear, the meaning of such will be determined within the context of the general policy direction and objectives provided by this Plan and the definitions of the PPS.
- d) Indication of municipal services or facilities in this Plan will not be constructed as a commitment by Central Elgin to construct or provide such services within a certain time frame. Rather such commitments will be subject to the decisions of Council in its annual capital budget considerations.
- e) In this Plan, any reference to a Provincial or Federal Act of the legislature refers to the Act as amended from time to time, any successors to these Acts, and the latest decennial revisions.
- f) Any reference to specific public agencies or bodies includes their successors in responsibility for those matters mentioned.
- g) All references to the *Planning Act* are based on the *Planning Act, R.S.O., 1990* as amended from time to time.
- h) Within the context of this Plan, "Development" means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include activities that create or maintain infrastructure authorized under an Environmental Assessment process, or works subject to the *Drainage Act*.
- i) Spelling, grammar and formatting changes to this Plan will not necessitate an amendment to the Plan.