

**AMENDMENT NO. 3**

**TO THE**

**SOUTHWEST MIDDLESEX OFFICIAL  
PLAN**

**SUBJECT: Municipality of Southwest Middlesex  
Official Plan Review & Update**

**October 12<sup>th</sup>, 2022**

**THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX  
BY-LAW NUMBER 084 OF 2022**

**BEING A BY-LAW TO ADOPT AMENDMENT NO. 3 TO THE OFFICIAL PLAN  
OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX**

**WHEREAS** under Section 17 of the Planning Act, R.S.O. 1990, c.P. 13, authorizes municipalities to adopt official plans and amendments thereto;

**WHEREAS** under Section 26 of the Planning Act, R.S.O. 1990, c.P. 13, requires the Municipality revise its official plan, as required;

**AND WHEREAS** the requirements for the giving notice and the holding of a public meeting of this amendment have been met;

**WHEREAS** the Council of the Municipality of Southwest Middlesex deems it advisable to amend the Southwest Middlesex Official Plan;

**THEREFORE** the Council of the Municipality of Southwest Middlesex, in accordance with Section 26 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

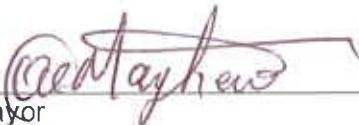
1. **THAT** Amendment Number 3 to the Official Plan of the Municipality of Southwest Middlesex, consisting of the attached document is hereby adopted.
  
2. **THAT** the Clerk is hereby authorized and directed to make application to the County of Middlesex for approval of the aforementioned Amendment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

**READ a FIRST** time this 12th day of October, 2022.


**READ a SECOND** time this 12th day of October, 2022.

**READ a THIRD** time and **FINALLY PASSED** this 12<sup>th</sup> day of October, 2022.

\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Clerk



**AMENDMENT NO. 3  
to the  
OFFICIAL PLAN FOR THE MUNICIPALITY OF SOUTHWEST  
MIDDLESEX**

**PART 1 – THE PREAMBLE** – Does not constitute part of this Amendment

**PART 2 – THE AMENDMENT** – Text constitutes Amendment No. 3

**AMENDMENT NO. 3  
to the  
OFFICIAL PLAN FOR THE MUNICIPALITY OF SOUTHWEST  
MIDDLESEX**

**PART 1- THE PREAMBLE**

**1.0 PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to update the Municipality of Southwest Middlesex Official Plan to ensure that the land use planning policies are current, reflect Provincial legislation and policies, have regard for matters of Provincial Interest, and are consistent with the Provincial Policy Statement. The current Official Plan was adopted on December 19, 2007 and approved by the County of Middlesex on December 8, 2008. It has been subject to two amendments.

**2.0 LOCATION OF THIS AMENDMENT**

This Amendment applies to the entirety of the lands within the Municipality of Southwest Middlesex.

**3.0 BASIS OF THE AMENDMENT**

The rationale for amending the Official Plan is based on the following considerations:

- i) The Planning Act, R.S.O. 1990, governs the manner in which a Municipality may amend its Official Plan and ultimately seek the approval of the Official Plan Amendment through the approval authority (in this case being the County of Middlesex). The procedures for public and agency input, circulation and the appeal process are all set out under Section 26 of the Act. As further stated,

Updating official plan

26 (1) If an official plan is in effect in a municipality, the council of the municipality that adopted the official plan shall, in accordance with subsection (1.1), revise the official plan as required to ensure that it,  
(a) conforms with provincial plans or does not conflict with them, as the case may be;  
(b) has regard to the matters of provincial interest listed in section 2; and  
(c) is consistent with policy statements issued under subsection 3 (1).  
2015, c. 26, s. 24 (1).

- ii) Under the Provincial Policy Statement 2020 (PPS), Official plans at the lower tier level must be consistent with the PPS released by the Province of Ontario in 1996 and in revised form in 2005, 2014 and most recently in

2020. The PPS contains the guiding framework for the preparation of new official plans and for comprehensive reviews. The PPS essentially states that strong communities, a clean and healthy environment, and a strong economy are inextricably linked. It promotes wisely managing change and efficient land use and development patterns. Efficient land use and development patterns support, amongst other things, strong, livable, and healthy communities and facilitating economic growth. Furthermore, the PPS states that land use must be carefully managed to meet the full range of current and future needs while achieving efficient development patterns.

## **PART 2 - THE AMENDMENT**

The Official Plan of the Municipality of Southwest Middlesex Official Plan is hereby amended as follows:

1. By deleting those words and phrases shown as ~~striketrough and shading~~ in in Schedule 1 which is attached to and forms part of this Amendment;
2. By adding those words and phrases shown as underline and shading in Schedule 1 which is attached to and forms part of this Amendment;

**SCHEDULE 1 TO OFFICIAL PLAN AMENDMENT NO. 3**

**SOUTHWEST MIDDLESEX OFFICIAL PLAN**

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# 1 INTRODUCTION

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## 1.1 BACKGROUND

This document constitutes the first ever Official Plan of the Municipality of Southwest Middlesex. The Municipality came into being in 2001 as a result of the amalgamation of the Village of Glencoe, the Village of Wardsville, the Township of Ekfrid and the Township of Mosa. The Plan replaces the official plans and all amendments thereto of these former municipalities.

A new official plan for the Municipality of Southwest Middlesex ~~is was~~ warranted at the time of amalgamation not only to ensure a uniform and consistent set of goals, objectives and policies throughout the amalgamated municipality but to ensure these goals, objectives and policies are appropriate in light of prevailing and future circumstances. Since the adoption of the ~~existing official plans in~~ Southwest Middlesex Official Plan in 2008, there have, and will continue to be legislative changes within the Planning Act, Provincial Policy Statement, ~~of 1996~~ was released and a new the Official Plan for the County of Middlesex. Every five years, municipalities are required by Section 26 of Ontario's Planning Act to conduct an Official Plan Review to ensure that it:

- Conforms with provincial plans or does not conflict with them

- Has regard to the matters of provincial interest
- Is consistent with the Provincial Policy Statement
- Conforms with the County of Middlesex Official Plan

~~came into effect in 1997. On 1<sup>st</sup> March 2005, a revised Provincial Policy Statement (PPS) came into effect which gives stronger and additional direction to municipalities on the scope and content of official plans. Moreover, official plans are now required to be consistent with the PPS as opposed to have regard to the PPS. On 11 July 2006, the County of Middlesex adopted a comprehensive amendment to its Official Plan arising out of the 5 year review of the Plan. The amendment has a direct bearing on the preparation and content of official plans for lower tier municipalities in the County.~~

The Municipality of Southwest Middlesex acknowledges that the land on which we gather is the territory of First Nations people who have longstanding relationships to the land, water and region of Southwestern Ontario. The Municipality also acknowledges the watersheds of the local lower Thames River and St. Clair Region communities of this area, which include Chippewas of the Thames First Nation, Oneida Nation of the Thames, Munsee Delaware Nation and Delaware Nation of Moraviantown, Chippewas of Kettle & Stony Point First Nation, Aamjiwnaang First Nation, Bkejwanong Territory, and Caldwell First Nation. The Municipality values the significant historical and contemporary contributions of local and regional First

Nations and all of the Original peoples of Turtle Island (North America). The Municipality of Southwest Middlesex is thankful for the opportunity to live, learn and share with mutual respect and appreciation."

Southwest Middlesex recognizes the unique role Indigenous Communities have in land use planning and development, and the contribution that Indigenous Communities have in land use planning decisions. The Municipality recognizes the importance of consulting with Indigenous Communities on planning matters that may affect their Treaty rights and interests and seeks to build constructive, cooperative relationships through meaningful engagement to facilitate knowledge-sharing in land use planning processes, inform decision-making, and build partnerships.

## 1.2 **STRUCTURE**

The Municipality of Southwest Middlesex (~~2004~~ 2021 census population: ~~6,414~~ 5,893) encompasses roughly 43,000 ha (106,000 ac) and lies, as its name implies, in the south-west corner of Middlesex County more or less equidistant from the City of Chatham to the west and the City of London to the east. Settlements are small, the largest being the Village of Glencoe (~~2004~~ 2021 population: ~~2,152~~ 2,158) followed by the Village of Wardsville (~~2004-2021~~ population: ~~417-420~~). Glencoe, situated in the more or less geographic centre of the Municipality, functions as its administrative, business and service centre and its industrial base. It has a few, relatively large industries

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**2022 - 2046**

and is the location of the area's largest institutions and recreational facilities. Wardsville is much smaller than Glencoe, being largely a quiet residential community with limited functions. Other settlements in Southwest Middlesex include Appin, Melbourne (partially lying in the Township of Strathroy-Caradoc), Middlemiss, ~~and~~ Pratt Siding ~~and~~ Woodgreen, all of which are considerably smaller than both Glencoe and Wardsville.

Agriculture has a long tradition in Southwest Middlesex. In terms of soil capability for agriculture, the majority of the rural area falls within the top three soil classifications, thereby qualifying it as a prime agricultural area within the meaning of the Provincial Policy Statement. Once a significant tobacco- growing area in the former Township of Mosa, the agricultural base of Southwest Middlesex is now dominated by cash crops and the raising of livestock.

The basic physical structure of Southwest Middlesex is shown on Schedule 'A'. Its major elements include a number of small settlement areas set in the midst of a rich and productive farming area. The Municipality is served by a network of major roads and is traversed by two major railways. The Thames River forms its southern boundary. The Official Plan formally recognizes this structure which has developed and persisted over a long period of time and sets out the goals, objectives and policies designed to strengthen and reinforce it.

***INTRODUCTION 1-2***

### 1.3 PURPOSE

The Official Plan of the Municipality of Southwest Middlesex is designed to achieve a number of purposes, namely:

- a) To strategically and effectively manage growth and development;
- b) To ensure the wise management and stewardship of the resource base;
- c) To establish the desired type, form, intensity, character and pattern of land use;
- d) To ensure the health, safety, welfare, convenience and well-being of existing and future residents;
- e) To provide a rationale and consistent basis for actions and decisions on all matters relating to the use of land, development, redevelopment and physical improvement;
- f) To implement the provisions of the Provincial Policy Statement and the County of Middlesex Official Plan which apply to the Municipality;
- g) To assist other levels of government and public agencies having jurisdiction, or an interest, in the Municipality, in making decisions and in determining their future actions affecting the Municipality;

- h) To inform the general public, special interest groups, private interests and enterprises of the intended nature and direction of the use of land, development, redevelopment and physical improvements in the Municipality;
- i) To provide the basis for the adoption of zoning by-laws and other by-laws affecting the use and development of land and the erection, alteration and preservation of buildings and structures.

### 1.4 BASIS

~~Preparation of the Official Plan for the Municipality of Southwest Middlesex has been based on extensive research, field work, special studies, meetings and workshops. One session has been held with representatives of the County of Middlesex, the Lower Thames Valley Conservation Authority and various provincial ministries having an interest in the Plan. The following particular documents and reports (and related studies) have been taken into account:~~

- ~~• MIG Engineering Ltd., Glencoe Sanitary Sewage Collection & Treatment System Class Environmental Assessment, 2007~~
- ~~• MIG Engineering Ltd., Report on the Glencoe Sanitary Sewage System, 2006~~
- ~~• Provincial Policy Statement, 2005~~

- Community Planners Inc., Official Plan Background Study, Municipality of Southwest Middlesex, 2004
- Dillon Consulting in association with Golder Associates, Middlesex-Elgin Groundwater Study, 2004
- Upper Thames River Conservation Authority, The Middlesex Natural Heritage Study, 2003
- Innovative Sewage Systems Inc., Village of Wardsville Environmental Study Report: Sanitary Sewage Collection and Treatment Facilities, 1999
- Juris E. Burzins, Glencoe Urban Design Plan, 1997
- County of Middlesex Official Plan, 1997 as amended

For the purposes of presenting the proposed Official Plan to the public and obtaining public input, an open house was held on June 13<sup>th</sup>, 2007 in the Municipal Office Building in Glencoe. A public meeting was subsequently held on June 20<sup>th</sup>, 2007 in accordance with the requirements of the Planning Act in the Community Centre in Appin.

Preparation of the Official Plan for the Municipality of Southwest Middlesex has been based on research conducted through various studies, meetings, and consultation with agencies and the public.

## 1.5 ASSUMPTIONS

The Official Plan of the Municipality of Southwest Middlesex is based on the following assumptions:

- a) Continued growth and a controlled, well-managed approach to development and the wise stewardship of land and resources are in the best interests of the Municipality;
- b) Agriculture will continue to be a significant component of the economic base and the predominant land use of the rural area given stable or improved market conditions for agricultural products and a strong commitment to a land use planning approach which is supportive of farming and which strictly controls urbanization of the rural area;
- c) Strengthening the economic base through attracting new industries and expanding existing industries is desirable and in the best interests of the Municipality;
- d) Development is able to be attracted and continued growth achieved by designating and servicing areas suitable and desirable for these purposes, by undertaking community improvements and by developing and implementing an economic development strategy;
- e) Directing the majority of residential development to settlement areas which have the facilities and infrastructure to service



such development is desirable and in the best interest of the Municipality.

## **1.6 GOALS AND OBJECTIVES**

The Official Plan of the Municipality of Southwest Middlesex is based on the desire to achieve the following goals and objectives:

- a) To achieve a steady increase in population;
- b) To foster local economic development;
- c) To increase employment opportunities and to increase commercial and industrial assessment;
- d) To provide and sustain basic educational, recreational and health related services and facilities;
- e) To provide a diverse and affordable range of housing opportunities;
- f) To facilitate the provision of basic goods and services to meet community needs;
- g) To direct the majority of future growth and development to settlement areas best suited for these purposes;
- h) To improve the quality of life;
- i) To maintain the predominantly agricultural character of the rural area through the preservation of prime agricultural land, support for normal farm practices and related infrastructure,

and strict controls on the random urbanization of the rural area by non-farm related uses;

- j) To protect and enhance natural heritage features and cultural heritage features;
- k) To protect groundwater and surface water resources;
- l) To recognize, protect and strengthen the defining and distinct characteristics of both the urban and rural areas of the Municipality;
- m) To provide and maintain an infrastructure capable of meeting the needs of the community.

## **1.7 DESIGN POPULATION**

~~The most recent census of the Municipality of Southwest Middlesex was recorded at 5,890 in 2006 of which 2,095 (36%) resided in Glencoe and the remainder in Wardsville, a number of hamlets and throughout the rural area. The recorded population represented a decline of 3.7% from 6,114 in 2001 for Southwest Middlesex as a whole and for the Village of Glencoe from 2152.~~

~~Based on projections made in 2001 by the County of Middlesex, a number of different projections were made for lower tier municipalities in the County. For Southwest Middlesex, the population would increase to 7,265 in 2021 based on the average annual growth rate of 0.68% during the period 1981-1996. Based on low, medium and high~~

annual growth rates during a 15 year period, the County projections for Southwest Middlesex ranged from 6,800 to 8,329 in 2021. Finally, based on a share analysis (the percentage share Southwest Middlesex has of the County population as-a-whole) the population of Southwest Middlesex would increase to 7,192 in 2021 according to the report.

More recent projections made by the County of Middlesex in 2003 pointed to an actual decline in the population of Southwest Middlesex which now appears to be taking place. Based on three different scenarios, the population of Southwest Middlesex would range from 4,802 to 5,885 in 2026. The high scenario was adopted by the County for planning purposes, under which the population of Southwest Middlesex would decline to 5,885 in 2026. In fact, this population decline was essentially reached in 2006.

For the purposes of this Plan, a target population of 6,500 is adopted based on the demonstrated ability of the former Village of Glencoe to attract industrial development, the attributes of the area conducive to development and the commitment of the new Municipality to a proactive strategy to attract development. The target population is equivalent to an annual average growth rate of 0.5% and is considered realistic to achieve. It shall be reviewed every 5 years following the release of the census by Statistics Canada.

The Municipality has taken and continues to take actions and initiatives to encourage growth and development and the maintenance

of a sustainable community in Southwest Middlesex. These actions and initiatives have included commissioning an Environmental Study Report to evaluate increasing the reserve capacity of the Village of Glencoe's sanitary sewage system thereby ultimately removing what will otherwise be a significant constraint to development. Increasing the capacity of the system would also include an allowance to potentially treat sewage from the hamlets of Appin and Melbourne, thereby offering full municipal services to both settlement areas and facilitating limited development. The Municipality has recently established a municipal land bank to attract industrial and commercial development and has facilitated the provision of infrastructure to open up lands for residential development in the Village of Glencoe. The Municipality has also offered to provide a site for a new public school in the Hamlet of Melbourne to ensure a public school remains in the settlement area and has funded special educational programs at Glencoe District High School to strengthen the cause for retaining a secondary school in the Municipality. The Municipality has also developed an active marketing program to promote Southwest Middlesex as a place to live and visit.

The most recent census of the Municipality of Southwest Middlesex was recorded at 5,893 in 2021, of which 2,158 (36%) resided in Glencoe and the remainder in Wardsville and a number of small hamlets throughout the rural area. The recorded population represents an increase of 3.0% from 5,723 in 2016 for Southwest Middlesex.

Based on projections made in 2022 as part of the County of Middlesex Official Plan Review, the local municipalities within the County are anticipated to experience moderate to strong growth rate in housing to 2046. Low, reference, and high growth scenarios were prepared for each of the lower tier municipalities within the County.

A number of different projections were made for lower tier municipalities in the County. For Southwest Middlesex, in the middle growth scenario the population is projected to increase by approximately 400 people between 2021 and 2046. This would result in a projected increase of approximately 560 dwelling units within Southwest Middlesex over the long-term planning horizon.

## 1.8 **GROWTH MANAGEMENT STRATEGY**

The growth management strategy adopted by this Plan covers the period ~~2006-2026~~ 2022-2046. It is designed to direct the majority of future growth to the settlement area of Glencoe, to minimize the loss of prime agricultural land, to protect the natural heritage, to enable farm operations the ability to expand and adapt to changing markets and technology, and to minimize the potential for conflicts between farmers and non-farm residents. It is designed to make efficient use of land and the capital investment in infrastructure by the Municipality and upper levels of government, to strengthen settlement areas and to limit the costs to the Municipality associated with 'sprawl' or the random urbanization of the countryside.

Glencoe, being the largest settlement area in Southwest Middlesex serviced by a municipal water supply system and municipal sanitary sewage system and strategically located in the geographic centre of the Municipality, is the logical and practical focus of growth and development in the Municipality. ~~In 2006, in response to concerns raised by the Ministry of Environment over the existing capacity of the Glencoe Sanitary Sewage System, the Municipality undertook an assessment of the system and its reserve capacity. As a result of that assessment, the Municipality has commissioned the preparation of a class environmental assessment to provide the basis for expanding the capacity of the system to accommodate future growth.~~

Wardsville is serviced by a municipal sanitary sewage system and, ~~more recently,~~ a municipal water supply system, ~~thereby resolving long standing public health related concerns and removing key obstacles to development. While, as a result, Wardsville will be able to better accommodate development, demand.~~ Development is expected to continue to be limited given its location from large population and employment centres. It does, however, have a number of amenities which may make it attractive to a retirement population.

Appin, Melbourne and Pratt Siding are serviced by a municipal water supply system only. Middlemiss is not. Unless and until full municipal services are provided, growth will continue to be restricted in all hamlets. Development will be small in scale and limited to infilling and minor extensions of existing development.

In the remainder of the rural area, new residential development will be strictly limited being directed to areas specifically designated for these purposes and existing 'lots of record'. The creation of new residential lots in the rural area shall be limited to the disposal of surplus farm dwellings and to areas designated 'Rural Residential'. Non-agriculturally related industrial and commercial development shall be directed primarily to Glencoe.

Under the County of Middlesex Official Plan, settlement areas are defined as being areas where development is concentrated and contiguous and which have the potential to accommodate additional development. Three types of settlement areas are recognized; namely, urban areas, community areas and hamlet areas. Urban areas are settlements that have the demonstrated potential to accommodate future growth through population projections and either full municipal services or the potential to provide full municipal services. On the other hand, community areas are settlements that have the demonstrated potential to accommodate future growth through population projections, have the demonstrated potential to provide a level of service necessary to support future growth and currently serve a community function. Finally, hamlets are settlements where it is assumed full municipal services will not be provided in the foreseeable future, thereby limiting growth to a level commensurate with that level of service.

While Glencoe, Wardsville, Appin and Melbourne are identified as urban areas or community areas in the County Official Plan, only Glencoe really qualifies as an urban area and only Wardsville qualifies as a community area. The remaining settlement areas i.e. Appin, Melbourne, Middlemiss and Pratt Siding qualify as hamlets. Although all but Middlemiss are serviced by a municipal water supply system, growth is strictly limited in the absence of a municipal sanitary sewage system.

Under the Provincial Policy Statement, settlement areas comprise built-up areas where development is concentrated and which have a mix of land uses. Such areas are to be the focus of growth and their vitality and regeneration promoted. Prime agricultural areas are to be maintained for agricultural purposes and prime agricultural land is to be protected. Natural heritage is to be protected for the long term.

The growth management strategy of the Official Plan for the Municipality of Southwest Middlesex is in conformity with the County of Middlesex Official Plan and is consistent with the Provincial Policy Statement.

## **1.9 COUNTY OF MIDDLESEX**

The ~~current~~ County of Middlesex Official Plan ~~came into effect on December 17<sup>th</sup>, 1997.~~ It constitutes an upper tier plan whereas this Official Plan constitutes a lower tier plan. As such, under the Planning Act, this Plan is required to conform to the County Official Plan. In the

event of a conflict between the Official Plan of Southwest Middlesex and the County of Middlesex Official Plan, the County Plan prevails to the extent of such conflict. In all other respects, this Plan prevails.

~~The County has recently completed the five-year review of the Plan resulting in the adoption of a comprehensive amendment to the Plan. Key changes to the Plan include a less restrictive policy on the disposal of surplus farm dwellings and the setting of targets for residential intensification and redevelopment in accordance with the new Provincial Policy Statement. Other changes particularly relevant to Southwest Middlesex include new or revised policies on population projections, economic development, natural heritage and groundwater.~~

#### **1.10 MATTERS OF PROVINCIAL INTEREST**

The Municipality, in carrying out its responsibilities under the Planning Act, is required to be consistent with 'matters of provincial interest' as declared by the Act. They are:

- a) the protection and improvement of ecological systems, including natural areas, features and functions;
- b) the protection of agricultural resources;
- c) the protection of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment possibilities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit, and to be oriented to pedestrians;

- r) the promotion of the built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate;
- t) the accessibility for persons with disabilities to all facilities, services and matters to which the Act applies.

These matters of provincial interest, which are further elaborated on in the Provincial Policy Statement, shall be considered by the Municipality in the evaluation of any proposed amendment to this Plan, the adoption of a new comprehensive Zoning By-law and any subsequent amendments or variances, the approval of a plan of subdivision or condominium, the granting of a consent or any other planning-related approval required under the Planning Act.

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## **2 GENERAL PLANNING DIRECTIONS**

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### **2.1 BACKGROUND**

This section of the Plan deals with issues and matters which affect or are important to the entire Municipality or which are not necessarily specific to any particular area or designation. The first three topics deal with the key elements of the Municipality's economic base. Explicitly recognizing these elements in the planning process will foster their growth and sustainability and the economic development of the Municipality as-a-whole. Housing, recreation and community improvement are municipal-wide issues and are also addressed in this section. Elements which define the character of Southwest Middlesex and provide it with its own sense of uniqueness are evident throughout the Municipality. They include its natural heritage and cultural heritage which needs to be recognized, protected and, in some instances, enhanced. They are also addressed in this section.

### **2.2 AGRICULTURE**

#### **2.2.1 GOALS AND OBJECTIVES**

- a) To preserve prime agricultural land;
- b) To protect prime agricultural areas for the purposes of agriculture;

- c) To maintain and support agriculture as a key component of the local economy;
- d) To protect agricultural operations from the unwarranted intrusion of non-agricultural activities which potentially limit or conflict with these operations.



#### **2.2.2 PRESERVATION OF PRIME AGRICULTURAL LAND**

Prime agricultural land shall be preserved for agricultural purposes except as may be otherwise permitted by this Plan.

#### **2.2.3 ECONOMIC IMPACT**

The importance of agriculture to the local economy is recognized and its growth, expansion and adjustment to changing market conditions and technology supported.

#### **2.2.4 PROTECTION OF PRIME AGRICULTURAL AREAS AND OPERATIONS**

Prime agricultural areas and normal farm practices shall be protected from the intrusion of non-agricultural, conflicting uses and activities.

## **2.3 INDUSTRY**

### **2.3.1 GOALS AND OBJECTIVES**

- a) To support and facilitate the expansion of existing industry;
- b) To attract new industry which has, or potentially has, no negative impact on the environment and on the ability of the Municipality to provide the necessary services;
- c) To meet the requirements of industry with respect to land, accessibility, services and protection from the encroachment of sensitive uses;
- d) To direct industrial development in those areas which are best able to meet the needs of industry, such as the certified industrial site.

### **2.3.2 STRATEGY**

The Municipality shall develop an economic development strategy in conjunction with the County of Middlesex and appropriate to Southwest Middlesex which focuses on the retention and expansion of its existing industries and on the attraction of new industries.

### **2.3.3 INDUSTRIAL LAND INVENTORY**

An adequate supply of suitably located, serviced (or readily serviced), and zoned land shall be designated at all times for the purposes of

accommodating new industries and the expansion of existing industries.

### **2.3.4 INDUSTRIAL LAND BANK**

The Municipality may acquire, service, zone, and otherwise prepare and dispose lands suitable for the purposes of facilitating industrial development.

### **2.3.5 ENCROACHMENT OF SENSITIVE LAND USES**

Industrial areas and industrial uses shall be protected from the unwarranted encroachment of land uses that have the potential to create land use incompatibilities and conflicts. Development of residential or other sensitive land uses proposed to be located near industrial uses or areas may be required to carry out noise, air quality and/or vibration assessments and determine control measures to the satisfaction of the Ministry of the Environment, Conservation and Parks and/or the Municipality. The long-term viability of industrial and employment uses that are vulnerable to encroachment shall be protected by ensuring that proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) There is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;



c) adverse effects to the proposed sensitive land use are minimized and mitigated; and

d) potential impacts to industrial, manufacturing, or other uses are minimized and mitigated.

### **2.3.6 INFRASTRUCTURE**

The Municipality shall provide, improve and maintain the infrastructure necessary to meet the needs of industry.

## **2.4 COMMERCE**

### **2.4.1 GOALS AND OBJECTIVES**

- a) To improve the range, quality, price and accessibility of goods and services to meet the needs of the community;
- b) To strengthen and revitalize the economic viability of existing commercial areas, particularly the historic downtown cores and 'main streets' of villages and hamlets;
- c) To attract new commercial development and facilitate the expansion of existing commercial development.

### **2.4.2 COMMERCIAL DEVELOPMENT**

The establishment of new and the expansion of existing commercial development shall be supported and facilitated provided the viability of existing commercial areas is not adversely affected.

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## **2.4.3 EXISTING COMMERCIAL AREAS**

To the extent its priorities and resources permit, the Municipality shall undertake and support measures to enhance and strengthen existing commercial areas.

## **2.5 HOUSING**

### **2.5.1 GOALS AND OBJECTIVES**

- a) To provide a wide variety of housing types to meet community needs;
- b) To ensure housing is available and affordable to low and moderate income households;
- c) To achieve residential intensification and redevelopment where compatible with existing development and where infrastructure is appropriate;
- d) To improve substandard housing conditions.

### **2.5.2 HOUSING STOCK**

A wide variety of housing types and tenure shall be encouraged and supported to meet the needs, affordability and preferences of existing and future residents, which is compatible with the scale and character of the existing community and which is commensurate with the services required to support it.

***GENERAL PLANNING DIRECTIONS 2-3***

### **2.5.3 RESIDENTIAL LAND INVENTORY**

A minimum ~~10~~ 15 year supply of land shall be designated and zoned for residential purposes at all times to accommodate anticipated housing needs of which a minimum of 3 year supply shall be land with servicing capacity. Lands designated and zoned shall be for a variety of residential types and include both previously undeveloped lands as well as lands suitable for residential intensification and redevelopment.

### **2.5.4 INTENSIFICATION AND REDEVELOPMENT**

Residential intensification shall mean the intensification of a property, site or area which results in a net increase in residential units or accommodation whereas redevelopment shall mean the creation of new housing units on previously developed land in settlement areas. Residential intensification and redevelopment shall be strongly encouraged in settlement areas subject to adequate amenities being provided, adequacy of services and facilities, and compatibility with neighbouring uses. The County of Middlesex has established that 15% of all development be for intensification and redevelopment in built-up areas. The Municipality shall do whatever is feasible to meet the 15% target established by the County for intensification and redevelopment including identifying intensification and redevelopment opportunities in built-up areas and the publication and promotion of such information to potential developers and builders. The information shall identify any obstacles associated with these opportunities which may prevent them from being realized and the measures the Municipality may be able to

take to overcome them. The adoption of measures to facilitate and expedite the approval process for intensification and redevelopment projects shall also be considered.

### **2.5.5 HOUSING FOR SPECIAL NEEDS**

The Municipality shall use its best efforts and may partner with senior levels of government to ensure that an adequate supply of housing is available for those in social and economic need including low and fixed incomes; senior citizens; and the mentally, socially and physically challenged.

### **2.5.6 AFFORDABLE HOUSING**

The County of Middlesex has established a minimum target of 20% for the provision of housing which is affordable to low and moderate income households, ~~deemed to be housing which is priced 10% below the average price of a re-sale dwelling unit in the regional market area.~~ The Municipality shall do whatever is feasible to meet the 20% target established by the County for affordable housing including, but not necessarily limited to, identifying opportunities for affordable housing, partnering with or supporting the efforts of non-profit housing corporations to develop affordable housing projects and encouraging developers to incorporate affordable housing units in their projects.

### 2.5.7 INNOVATIVE HOUSING

Innovative forms of housing and creative site design shall be encouraged in all settlement areas which make greater use of existing infrastructure, where natural amenities and landscaped open space are provided, retained and/or enhanced; relationships to the existing community strengthened and the amenity and character of neighbouring residential areas protected.

### 2.5.8 GROUP HOMES

Group Homes whereby persons by reason of their emotional, mental, social or physical condition require or benefit by a group living arrangement reside under responsible supervision shall be permitted in all land use designations where residential uses are permitted. In order to prevent an undue impact of group homes in residential areas, standards governing their type, size and location (including minimum separation distances between them) shall be established in the Zoning By-law. Locations on arterial or collector roads shall be preferred. The Municipality may require the registration and annual renewal of group homes in accordance with the provisions of the Municipal Act.

### 2.5.9 GRANNY FLATS TEMPORARY GARDEN SUITES

A 'granny flat', garden suite, mobile home or similar secondary temporary dwellings may be permitted for up to 10 20 years for family members provided such units are designed to be subordinate in size

than the main dwelling, portable and removed from the lands, or readily converted to a non-residential use, upon no longer being required for their intended occupants. The lands shall be sufficiently large to accommodate the dwelling and its required services and measures taken, if necessary, to ensure compatibility with neighbouring uses.

The following policies shall apply to garden suites:

- a) A garden suite shall not be permitted where an existing Additional Residential Unit is located within a detached accessory building or structure;
- b) A garden suite shall be permitted where the lands are sufficiently large enough to accommodate the garden suite, in compliance with the provisions of the Zoning By-law;
- c) A garden suite shall be located in close proximity to the existing dwelling to minimize the impact on agricultural land, surrounding agricultural uses, and to co-locate services, where possible;
- d) A garden suite shall be permitted where there is adequate water and sewage capacity on the lot to service the suite;

- e) A garden suite shall not be permitted to be located within the natural heritage system, floodplain areas, or other hazardous lands.
- f) A garden suite shall comply with the Minimum Distance Separation (MDS) formula relative to any neighbouring livestock facilities; and
- g) The severance of a garden suite shall not be permitted.

A Temporary Use By-law shall be required in accordance with the Planning Act along with an agreement with the Municipality which addresses occupancy of the dwelling, its removal or conversion to other uses at the end of the prescribed period and the posting of security to ensure due performance.

### **2.5.10 SUBSTANDARD HOUSING**

Minimum standards for occupancy shall be adopted by by-law and enforced on a complaint basis. Programs designed to eradicate substandard housing conditions shall be supported.

### **2.5.11 ADDITIONAL RESIDENTIAL UNITS**

An Additional Residential Unit (ARU) is a self-contained dwelling unit ancillary to the primary residential dwelling unit on a property. An Additional Residential Unit may be located within the primary dwelling and / or in a detached accessory building or structure ancillary to the

primary residential unit, for a total of up to three residential units. Additional Residential Units are permitted in all designations where single detached, semidetached, and rowhouse (townhouse) dwelling units are permitted, subject to the requirements of the implementing Zoning By-law. ARU's shall be established in accordance with the following:

- a) ARUs shall meet the requirements of the Ontario Building Code, Fire Code, and all other Provincial, County, and Municipal standards;
- b) the provision of adequate access, emergency access, and on-site parking;
- c) that the ARU is clearly subordinate in scale and function to the primary dwelling unit and has a maximum floor area of 49% of the primary dwelling;
- d) Notwithstanding section 2.5.11c), further limitations on the maximum permissible size of an additional residential unit may be identified in the Municipality's Zoning By-law;
- e) the provision of adequate water and wastewater services, and where appropriate shared services between the primary dwelling and the ARUs are encouraged;

- f) ARUs are not permitted in natural heritage system, floodplain areas, or hazard lands as defined and regulated by the conservation authority.
- g) Each additional residential unit shall have one parking space that is provided and maintained for the sole use of the occupant of the additional residential unit. A parking space that is provided and maintained for the sole use of the occupant may be a tandem parking space.
- h) In addition to the above, where an ARU is located outside of a settlement area the following criteria will also apply:
  - i) An ARU shall be located within close proximity to the existing building cluster;
  - ii) ARUs are to meet Minimum Distance Separation Formulae requirements; and
  - iii) ARUs are prohibited from being severed from the property unless as part of the severance of the primary dwelling unit as a residence surplus to a farming operation, in compliance with the Municipality's Zoning By-law.

## **2.6 RECREATION**

### **2.6.1 GOALS AND OBJECTIVES**

- a) To provide a variety of recreational facilities to meet the diverse needs of the community;
- b) To maintain recreational facilities to a safe and high standard;
- c) To increase opportunities for physical fitness and outdoor recreation activities;
- d) To achieve long term sustainability and community participation in the provision and maintenance of recreational facilities.

### **2.6.2 PROVISION OF RECREATION FACILITIES**

To the extent its resources and priorities permit and a demonstrated need exists, the Municipality shall maintain, improve and expand the provision of recreation facilities.

### **2.6.3 IMPROVING PHYSICAL FITNESS**

The provision of walking trails, bicycle paths, jogging trails and similar facilities to increase opportunities for physical fitness in the Municipality shall be encouraged.

## 2.6.4 ROLE OF THE PUBLIC AND PRIVATE SECTOR

The Municipality shall encourage the involvement of the public, community organizations and clubs, the conservation authorities and the private sector in the provision and maintenance of recreation facilities.

## 2.7 NATURAL HERITAGE FEATURES

### 2.7.1 GOALS AND OBJECTIVES

- a) To preserve and protect natural heritage features;
- b) To achieve a self-sustaining natural heritage system;
- c) To maintain, restore or wherever possible, enhance natural heritage features in terms of their ecological function, diversity, connectivity and scenic quality.
- d) To encourage development and land use patterns that consider the impacts of climate change and aim to adapt to and mitigate the impacts of climate change through the promotion of resilient communities.



### 2.7.2 MEANING

Natural heritage features in Southwest Middlesex include wetlands, habitat of endangered and threatened species, areas of natural and scientific interest (ANSI's), valley lands, woodlands and fish and wildlife habitat. Where mapping is available, such features are shown on Schedule 'B' In some instances, natural heritage features are considered significant at the provincial level while others are considered significant at the local level.

### 2.7.3 INTENT

Natural heritage features warrant protection due to their ecological and social value as well as their contribution to the natural landscape and visual character of the Municipality. They shall be left in their natural or undisturbed state and protected from incompatible development, site alteration and other uses or activities that would have a negative impact on them or on their ecological functions.

### 2.7.4 WETLANDS

Four provincially significant wetlands and four locally significant wetlands have been identified in Southwest Middlesex as shown on Figure 1 and Figure 2. Uses permitted within these wetlands shall be restricted to conservation, outdoor education and passive recreation uses. Other activities permitted may include hunting, trapping and fishing. Development and site alteration shall not be permitted. On

adjacent lands (generally 120 metres), development and site alteration shall only be permitted where it has been demonstrated there will be no negative impacts on the wetland or its ecological function. Development or site alteration shall only be permitted in accordance with a permit being issued by the conservation authority having jurisdiction.

### **2.7.5 SIGNIFICANT HABITAT OF ENDANGERED AND THREATENED SPECIES**

The Ministry of ~~Natural Resources~~ Environment, Conservation and Parks is responsible for the identification of Significant Habitat of Endangered and Threatened Species. Identification or verification of Significant Habitat of Endangered and Threatened Species shall be carried out on a site by site basis for all development or site alteration applications known or suspected to contain habitat of an endangered or threatened species. The Ministry shall be consulted to provide technical review and identification and approval of significant habitat.

Lands within 120 metres of areas identified as Significant Habitat of Endangered and Threatened Species are considered to be adjacent lands. The Ministry shall be consulted to provide guidance on setbacks or other mitigation measures to ensure protection of endangered and threatened species and their habitats. Information on endangered and threatened species may be provided from Development Assessment Reports, the Ministry's Natural Heritage Information Centre, or directly from the Ministry.

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Endangered and threatened species and their habitats are also protected under Ontario's Endangered Species Act, 2007. Consultation with the Ministry will help to ensure development and site alteration is consistent with the Provincial Policy Statement and complies with the Endangered Species Act. ~~Habitat for species of concern (formerly known as vulnerable species) is not protected under the Act, but protection may be provided under the Provincial Policy Statement.~~ Habitat for species of special concern is not protected under the Act, but is considered Significant Wildlife Habitat, which is protected under the Provincial Policy Statement.

Significant Wildlife Habitat is not included on the Official Plan Schedules. This is to be determined through a Development Assessment Report, using the Significant Wildlife Habitat Technical Guide prepared by the Province. Development and site alteration shall not be permitted in significant wildlife habitat or on adjacent lands, generally considered to be lands within 120 metres of such areas, unless it can be demonstrated that there will be no negative impacts on the natural features or their ecological functions.

### **2.7.6 ANSI'S, VALLEYLANDS, WOODLANDS AND WILDLIFE HABITAT**

Significant areas of natural and scientific interest (ANSI) as shown on Figure 3 and Figure 4, valley lands associated with the Sydenham River and the Thames River, woodlands identified in the Middlesex Natural Heritage Systems Study (MNHSS), 2003-2014 being generally

four hectares or greater in size and considered to be significant as a result of their contribution to the ecology, quality and natural diversity of the County and significant wildlife habitat are considered natural heritage features. Development and site alteration shall not be permitted in these areas or on adjacent lands, generally considered to be lands within ~~50~~ 120 metres of such areas, unless it has been demonstrated there will be no negative impact on the feature or on its ecological function.

### **2.7.7 FISH HABITAT**

Fish habitat includes spawning grounds and nursery, rearing food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. All natural watercourses, natural ponds, wetlands and municipal drains shall be considered fish habitat. Development and site alteration shall not be permitted in waters identified as fish habitat except in accordance with provincial and federal legislation and policies for the protection of fish and fish habitat. On adjacent lands, generally considered to be lands within ~~30~~ 120 metres of such areas, development and site alteration shall not be permitted unless it has been demonstrated there will be no negative impact on the fish habitat or on its ecological function.

### **2.7.8 TREE CUTTING**

The Municipality supports sound forest management to sustain the quality, health and value of its woodlands. The cutting and removal of

trees in natural heritage features shall be governed by the provisions of the County of Middlesex Woodlands Conservation By-law. Where Planning Act applications are required to allow for development, cutting of trees within significant natural heritage features will be reviewed through the Development Assessment Report process.

### **2.7.9 EVALUATION OF DEVELOPMENT PROPOSALS**

Where development or site alteration is proposed on lands lying adjacent to, or lying within, a natural heritage feature, the proponent shall submit a Development Assessment Report (DAR) in accordance with ~~“A Guideline for Development Assessment Reports” August 2007~~ to the County of Middlesex Official Plan. Approval of the Development Assessment Report shall rest with the County in consultation with the Municipality, the Ministry of Natural Resources Environment, Conservation and Parks and the conservation authority having jurisdiction.

The MNHSS Study (2014) provides the methodology used to identify features and the criteria used to determine the significance of features for inclusion in the Natural Heritage System.

Limitations of the MNHSS Study (2014) mean that some natural features and ecological functions may not currently be included in the Natural Heritage System and may require further field studies and evaluation to determine the protection requirements of applicable Federal or Provincial legislation. Where development is proposed a



DAR will require the completion of appropriate studies to determine the significance and protection needs of the following where present:

- a) Natural heritage features not currently included in Natural Heritage System are considered candidates for significance until a DAR is completed to assess their significance based on criteria provided in the MNHSS Study (2014):
- b) Fish habitat as identified by the Federal Department of Fisheries and Oceans require the completion of appropriate studies to ensure compliance with the Fisheries Act:
- c) Significant habitat of endangered species and threatened species as identified by the Province, in accordance with the Endangered Species Act, 2007; and
- d) Significant Wildlife Habitat identified and evaluated in consultation with the Ministry of Environment, Conservation and Parks.

### **2.7.10 WOODLANDS CONSERVATION**

The efforts of landowners and other public bodies shall be supported to improve the amount, quality and effectiveness of woodlands and to protect significant woodlands from land uses and activities which threaten their sustainability. Reforestation shall be encouraged, particularly on low capability agricultural land, on small agricultural parcels which are inefficient or unproductive to cultivate and on oversized rural residential lots.

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### **2.7.11 ENHANCEMENT**

The Municipality shall encourage the restoration and, where feasible, the rehabilitation of natural heritage features, where opportunities arise, through measures such as reforestation, forest management, establishment of linkages or corridors and wildlife management.

### **2.7.12 OWNERSHIP AND PUBLIC ACCESS**

The designation of natural heritage features and the policies applying to them shall not be construed that these lands will ultimately be purchased by the Municipality or any other public body, or that they are free and open to the public.

## **2.8 SURFACE AND GROUNDWATER RESOURCES**

### **2.8.1 GOALS AND OBJECTIVES**

- a) To improve the quality and quantity of the Municipality's surface and groundwater water resources;
- b) To promote the efficient and sustainable use of the Municipality's surface and groundwater resources;
- c) To ensure groundwater resources remain a safe and secure source of supply for those who depend on it.

*GENERAL PLANNING DIRECTIONS 2-11*

## 2.8.2 WATER QUALITY AND QUANTITY

Surface water sources, including streams, lakes, ponds and wetlands are normally protected through their inclusion within the Natural Heritage System. The identification and mapping of important groundwater features, including highly vulnerable aquifers and source groundwater recharge areas, has been conducted by the Conservation Authorities. Groundwater sources occur throughout the Municipality and are an essential resource for urban and rural water supplies, agricultural production and the maintenance of the natural heritage system. It is the intent of this Plan that all development shall be subject to the following policies to ensure that water quality and quantity are not adversely affected. Specifically, it is the Municipality's intent that the development of public and private uses will not significantly alter groundwater recharge or discharge, impair groundwater or surface water quality, or negatively impact municipal groundwater supply. Maintaining a sustainable groundwater supply is a priority to meet the needs of current and future residents. The following policies are intended to address both ground water and surface water protection.

With respect to water resources, the Municipality shall endeavour to:

- a) Identify water resource systems consisting of groundwater features, hydrologic functions, natural heritage features and areas, and surface water features, which are necessary for the ecological and hydrological integrity of the watershed.

- b) Maintain linkages and related functions among groundwater features, hydrologic functions, natural heritage features and areas, and surface water features.
- c) Protect or enhance the function of sensitive groundwater recharge areas, discharge areas, aquifers and headwaters.
- d) Work cooperatively with Conservation Authorities and Provincial Ministries regarding land management issues within the watersheds of the Municipality.

The Municipality shall utilize its best efforts and co-operate with the St. Clair Region Conservation Authority and the Lower Thames River Valley Conservation Authority to implement cost-effective measures designed to protect, improve and restore the quality and quantity of its water resources by identifying surface water features, groundwater features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watersheds which Southwest Middlesex lies within.

## 2.8.3 WATER CONSERVATION

The Municipality shall identify and promote water conservation practices and implement a monitoring program to ensure their effectiveness.

#### **2.8.4 DRINKING SOURCE WATER PROTECTION**

The Municipality shall actively participate in the preparation and implementation of a source water protection plan in accordance with the Clean Water Act and led by the conservation authority(ies) designated for these purposes.

#### **2.8.5 STORMWATER MANAGEMENT**

The Municipality shall promote storm water management practices that minimize the volume of runoff and contaminant loads and increase or maintain the amount of vegetative and pervious surfaces. Storm water management plans shall be prepared for undeveloped areas prior to development to effectively control the quantity and quality of storm water runoff. Such plans shall be prepared, where appropriate to do so, on a sub-watershed basis as opposed to a land ownership basis. In the preparation and evaluation of such plans, the conservation authority having jurisdiction shall be consulted. All design parameters for storm water management shall be approved by the Municipality, the Ministry of Environment, Conservation, & Parks, and the conservation authority having jurisdiction. A Certificate of Approval shall be required from the Ministry prior to construction. Wetlands shall not be used for the purposes of stormwater management.

#### **2.9 URBAN AND RURAL CHARACTER**

##### **2.9.1 GOALS AND OBJECTIVES**

- a) To maintain and strengthen the distinct identity and character of settlement areas;
- b) To maintain and strengthen the distinct identity and character of the rural area;
- c) To achieve well planned, compact development and the full utilization of urban lands;
- d) To achieve a high standard of urban and rural design.
- e) To support strong urban design and revitalization that considers affordable housing where appropriate as a means of enhancing the quality of place.
- f) To encourage forms of active transportation, including pedestrian and cyclist movements, to be incorporated into development proposals.
- g) To support the creation of public spaces that are of high quality, safe, accessible, attractive, and vibrant.

##### **2.9.2 DISTINCT FEATURES AND ELEMENTS**

Features and elements which contribute to the distinct identity and character of the Municipality shall be identified as well as the means to protect and enhance these features and elements including but not

limited to heritage resources, streetscapes, natural features and cultural landscapes.

### 2.9.3 URBAN DESIGN

The following principles shall be applied to strengthen and maintain the role, character and function of settlement areas:

- a) urban development shall occur, wherever possible, in a contiguous fashion maintaining at all times a clear and distinct edge as opposed to taking place in an ad hoc, incremental fashion characterized by intervening undeveloped lands;
- b) a high standard of design, quality and maintenance shall be encouraged along corridors/gateways leading into settlement areas;
- c) commercial streetscapes shall be up-graded to improve their identity, function, appearance, accessibility, parking and amenities;
- d) the health, safety and quiet enjoyment of residential neighbourhoods shall be respected;
- e) creative and functional outdoor amenity areas for multi-unit residential developments shall be provided;
- f) effective buffering shall be provided between potentially conflicting uses;

- g) off-street parking areas shall be appropriately surfaced, graded, accessed and landscaped.

### 2.9.4 RURAL DESIGN

The following principles shall be applied to strengthen and maintain the distinct identity and character of the rural area:

- a) the agricultural character of the rural area shall be maintained;
- b) natural heritage features shall be protected and enhanced wherever possible;
- c) urban intrusions into the rural area shall be strongly discouraged;
- d) the rural heritage shall be preserved and protected;
- e) scenic vistas and roads shall be preserved wherever feasible and possible.



### 2.9.5 DISTINCTIVE CHARACTERISTICS AND ELEMENTS

The defining characteristics and elements of the Municipality which contribute to its uniqueness and sense of place shall be identified

along with the measures necessary for preservation, protection and enhancement.

### **2.9.6 MEASURES**

The Municipality shall use its best efforts and apply site plan control, sign control, community improvement, property maintenance and other statutory powers, partnerships and educative measures to achieve a high standard of urban and rural design

## **2.10 COMMUNITY IMPROVEMENT**

### **2.10.1 GOALS AND OBJECTIVES**

- a) To achieve minimum standards of public health, safety and occupancy;
- b) To ameliorate property conditions which pose a blight, eyesore, nuisance, risk or land use conflict;
- c) To improve areas experiencing decline, blight or neglect;
- d) To up-grade and maintain municipal infrastructure and facilities in accordance with prevailing standards.
- e) To support agricultural operations and their contributions to the local economy, including attracting new visitors to the Municipality through agri-tourism;
- f) To increase opportunities for affordable housing options.

### **2.10.2 COMMUNITY IMPROVEMENT PLANS**

The Municipality may, under the provisions of the Planning Act, designate an area as a community improvement project area and prepare for such area a community improvement plan. The plan may address such initiatives as the rehabilitation of the area through the clearance of land, development, redevelopment or combination thereof and the provision and rehabilitation of amenities, uses, buildings, works, improvements or facilities as may be considered desirable or necessary.

### **2.10.3 COMMUNITY IMPROVEMENT PROJECT AREAS**

The following criteria shall be used to identify areas potentially suitable for designation as a community improvement project area.

- a) areas characterized by substandard infrastructure (e.g. water supply, storm drainage, streets, sidewalks, parking);
- b) areas characterized by substandard buildings and/or properties;
- c) areas where there is a potential for a more desirable, compatible or viable use of land;
- d) areas characterized by land use conflicts or blight;
- e) areas characterized by economic stagnation or decline.
- f) lands designated agriculture that have frontage on a designated arterial road.

#### 2.10.4 MUNICIPAL INITIATIVES

Within a community improvement project area, the Municipality may, in accordance with the provisions of the Planning Act, acquire, hold, clear, grade or otherwise prepare land for the purposes of community improvement and offer grants or loans for the purposes of rehabilitating buildings or land in conformity with the community improvement plan.



#### 2.10.5 PUBLIC INPUT

Prior to designating a community improvement project area and prior to the adoption of a community improvement plan, the Municipality shall notify the public and hold the necessary public meetings in accordance with the Planning Act. In addition, the Municipality may appoint a community advisory committee to assist in the preparation of the community improvement plan.

### 2.11 CULTURAL HERITAGE RESOURCES

#### 2.11.1 GOALS AND OBJECTIVES

- a) To protect, conserve and enhance heritage resources;
- b) To increase public awareness of the nature and importance of heritage resources to the community;
- c) To respect private property rights in the protection of heritage resources.
- d) To encourage engaging and partnering with Indigenous communities to consider their interests when identifying, protecting and managing cultural heritage resources and archaeological resources.



#### 2.11.2 MEANING

Heritage resources include buildings, structures, monuments, cemeteries and installations or remains associated with the architectural, economic, cultural, social, political or military history of Southwest Middlesex and potentially significant to it. They also include significant or rare landscapes, scenic vistas, archeological remains

and events and elements significant to the history of settlement and social fabric of the Municipality.

### **2.11.3 PROTECTION OF HERITAGE RESOURCES**

The Municipality shall use its best efforts to identify, protect, conserve and enhance its heritage resources. Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Development and redevelopment which is sensitive to heritage resources, which incorporates and utilizes heritage resources, and which is in harmony with heritage resources shall be encouraged.

### **2.11.4 AWARENESS OF HERITAGE RESOURCES**

Measures to increase public awareness shall be encouraged through a variety of measures including the identification of heritage resources, designation of properties under the Heritage Act, maintaining historic records, holding of special events and the appointment of a heritage advisory committee or similar entity.

### **2.11.5 INVENTORY**

The Municipality may undertake an inventory of its heritage resources for the purposes of identifying, mapping and documenting and the preparation of an appropriate strategy to ensure their protection, conservation and enhancement.

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### **2.11.6 DESIGNATION OF HERITAGE PROPERTIES**

In accordance with the provisions of the Heritage Act; buildings, structures or sites may be designated by the Municipality, with or without the consent of the owner, to be of architectural and/or historical significance where such buildings, structures or sites meet one or more of the following criteria:

- a) represent a unique or rare example, or the only (or one of the few) remaining examples of a particular architectural style or period in the Municipality;
- b) are representative of the early history of the development of the Municipality;
- c) are associated with some historically significant aspect or event in the history of development of the Municipality, the County or the Province; or
- d) are associated with a person or group of persons who have achieved local, provincial, national or international prominence;
- e) constitute a work of outstanding quality as a result of plan, proportions, design, construction, materials or details;
- f) represent an early or otherwise noteworthy example of the work of a renowned architect, designer or builder.

### **2.11.7 DESIGNATION OF HERITAGE CONSERVATION DISTRICTS**

The Municipality may undertake the required studies and adopt the necessary by-laws to designate heritage conservation districts under the Heritage Act.

### **2.11.8 ALTERATION OF HERITAGE PROPERTIES**

Alterations to heritage buildings or structures designated under the Heritage Act which would adversely affect the reasons for designation shall not be permitted. Development and site alteration on adjacent lands may only be permitted where it has been demonstrated that the heritage attributes of the designated property will be conserved.

### **2.11.9 DEMOLITION OF HERITAGE PROPERTIES**

Prior to granting permission to demolish a heritage building or structure designated under the Heritage Act, the Municipality shall require the owner to submit accurate and complete information pertaining to the structural condition of the building or structure, deficiencies with respect to the Ontario Building Code, potentially viable uses and any other relevant information to determine the feasibility of maintaining as opposed to demolishing the building or structure.

### **2.11.10 ARCHEOLOGICAL REMAINS**

Where lands containing archeological remains of prehistoric and historic habitation or having the potential of containing archeological remains are proposed to be developed or redeveloped or otherwise altered, such resources shall be first identified and protected through documentation, excavation and removal, or preservation on site. Where significant archeological resources are to be preserved on site, only site development and site alteration which maintains the heritage quality of the site may be permitted.

### **2.11.11 MUNICIPALLY-OWNED HERITAGE BUILDINGS**

The Municipality shall use its best efforts to protect, restore and maintain heritage buildings and structures under its ownership to express its commitment to heritage preservation, to enhance the identity and character of the Municipality and to provide an example of the merits of quality restoration and maintenance.

### **2.11.12 ASSISTANCE**

The Municipality may assist owners of heritage properties through initiating or participating in heritage preservation programs and through initiatives of senior levels of government. Such initiatives may include tax relief and the preparation of preservation plans for designated properties.



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### 3 URBAN AREAS: GLENCOE

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#### 3.1 CHARACTER

Glencoe is by far the largest settlement area of Southwest Middlesex and the only settlement area that qualifies as an 'urban area' under the Official Plan of the County of Middlesex. Its population in ~~2006~~ 2021 was recorded at ~~2095~~ 2,158 persons, ~~down~~ ~~up~~ from its ~~2004~~ 2016 population of ~~2152~~ 2,126. Being the largest settlement area in Southwest Middlesex, Glencoe functions as its administrative, business, education, health and recreation centre. It offers a wide range of basic goods and services and has, for its size, a significant industrial base.

The settlement area may be best described as a small village with a traditional main street running through its centre in a northwest to southeast orientation. A major railway line passes through the centre of the Village. Residential development more or less surrounds the downtown core with single unit dwellings being the predominant



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housing type. Industry is limited to a few locations having historically established along the railway and, more recently, on the periphery of the Village on Appin Road at the east end of the Village and on Dundonald Road at the south end of the Village within the certified industrial site. Development is generally small in scale and growth has been limited.

It is connected to the Tri-County Water Management West Elgin Primary Water Supply System which derives its supply from Lake Erie at Eagle. A major up-grading to the system is about to get underway and will include the construction of a new treatment plant with state of the art technology. The up-graded system will be readily capable of meeting the future water supply needs of the settlement area. Sewage treatment is provided by means of a lagoon-type system situated south east of the settlement area boundary. An engineering study in 2006 found that the system had limited reserve capacity and is significantly compromised by extraneous flows. Although the issue of extraneous flows and the removal of sludge are being addressed to maintain treatment capacity, the study recommended the Municipality immediately commence planning for the expansion of the system's treatment capacity.

Although not situated on Highway No. 401, Glencoe has proximate and good connections to it via County Road No. 76 for destinations west and via County Road No. 8 and County Road No. 9 for destinations east. Via Rail offers passenger service at Glencoe, which

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along with Chatham is the only scheduled service provided between London and Windsor.

Lands designated for future residential development virtually surround the existing built-up area. In terms of commercial development and redevelopment, a strong emphasis is placed on the strengthening of the downtown core. Opportunities exist for the conversion of residential uses to commercial uses abutting the core, particularly on Main Street south of the railway. Undeveloped lands are designated fronting on Appin Road and Dundonald Road at the periphery of the core on arterial roads where traffic volumes are greatest. For industrial purposes, undeveloped lands designated, zoned and serviced (or readily serviced) are available within the certified industrial lands located in the south end of the Village. The Municipality has recently acquired lands for the purposes of attracting industry in the south end of the Village. Infilling and redevelopment in existing residential areas is encouraged where compatible and sensitive to neighbouring development.

### **3.2 DESIGN POPULATION**

Future growth in Glencoe is largely predicated on its ability to attract residential and industrial development. Its attraction as a 'bedroom community' is limited by its distance to neighbouring employment centres (primarily Strathroy, St. Thomas and London) and the existence of closer, smaller centres which provide comparable amenities. While Glencoe has a small labour force and is somewhat

distant from major highways, it has been able to attract two reasonably large auto-parts plants. Based on a population of 2095 2,158 in 2006 2021, its population constitutes 35.6 36.6% of the population of Southwest Middlesex as-a-whole. Assuming it maintains its share of the population of the Municipality as-a-whole, its population by the end of the planning period would be just over 2500 increase by approximately 150 people to 2,300. There is reason to believe its share would actually increase given its ability to offer fully serviced lands for development and the servicing restrictions in place in other settlement areas in Southwest Middlesex. The design population shall be reviewed every 5 years following the release of the census by Statistics Canada.

### **3.3 GOALS AND OBJECTIVES**

The following goals and objectives shall guide the planning, development, redevelopment and improvement of the Glencoe Urban Area:

- a) To accommodate the majority of population growth and development in the Municipality;
- b) To ensure development and redevelopment does not have a detrimental effect on the ability of the Municipality to provide the necessary infrastructure to accommodate it;
- c) To maintain a wide range of housing choices at all times in terms of dwelling types, tenure and affordability;

- d) To encourage the development, redevelopment and maintenance of a strong, viable and diverse downtown core with its own unique sense of identity and character;
- e) To recognize and support the role of peripheral areas in accommodating commercial development not suited to the downtown core;
- f) To encourage industrial development in areas well suited for such purposes and in a manner that does not detract from existing or planned residential and/or commercial areas;
- g) To support the development of brownfield sites and other underutilized sites;
- h) To make more efficient use of existing infrastructure;
- i) To ensure a higher utilization of urban land;
- j) To limit the need for urban expansion onto rural land;
- k) To maintain the essential qualities of privacy, quiet enjoyment, public health and safety, and land use compatibility in residential areas.

### 3.4 LAND USE

#### 3.4.1 DOWNTOWN CORE

The 'Downtown Core' in Glencoe is a relatively small area extending essentially along Main Street (County Road No. 80) from John Street

in the north to Deane Street in the south. The most concentrated area of the core is only a couple of blocks between Symes Street and the CN railway. Around the periphery of this area and extending south of the CN railway, development is less intensive and land use more mixed. ~~The boundary of the 'Downtown Core' is somewhat smaller than designated in the former Village of Glencoe Official Plan.~~ Despite its size, a number of opportunities exist for intensification and redevelopment.



#### 3.4.1.1 CHARACTER

The 'Downtown Core' of the Glencoe Urban Area constitutes its most historic, diverse and intensive area of land use, buildings and structures. As such, it has a multi-purpose role and a distinct identity. Its centrality, diversity and, nature of uses and activities attracts persons from the entire community, the surrounding area and beyond. Like many traditional main streets of villages and hamlets throughout Ontario, the downtown core has suffered (although not as much as others) by changes in retailing and consumer preferences and demands. Attempts have and are continuing to be made to strengthen the core through attracting new uses and activities, beautification,

improved parking and heritage preservation. The restoration of the former Grand Trunk Railway Station and its conversion to public use has created a focal point, gathering place, and a model as to what is possible in terms of heritage preservation and re-use of abandoned or derelict space.

#### **3.4.1.2 PRIMARY USES**

To maintain and even enhance its multi-functional role and diversity, a wide range of uses is permitted in the ‘Downtown Core’ as designated on Schedule ‘C’. Primary uses include those establishments essentially engaged in the buying and selling of goods and the offering of services e.g. retail stores, banks, restaurants, offices, service shops, business and professional offices, personal service establishments, accommodation and entertainment facilities. To maintain the pedestrian and commercial character of Main Street, ground floor space shall be restricted to retail and similar establishments open to the public. The actual uses permitted shall be set out in the Zoning By-law.

#### **3.4.1.3 SECONDARY USES**

In addition to the primary uses, other uses may be permitted in the “Downtown Core” including institutional and cultural uses, residential uses, parks & recreational uses and small scale industrial uses. Residential uses are encouraged in a variety of formats including mixed use developments, apartments over or to the rear of ground

floor commercial uses, multi-unit buildings, converted dwellings and non-residential buildings or space converted to residential use. The actual uses permitted shall be set out in the Zoning By-law. An amendment to the Zoning By-law may be required.

#### **3.4.1.4 FORM AND CHARACTER OF DEVELOPMENT**

Development and expansion shall be as compact as possible, particularly along Main Street and lying generally between Symes Street and the CN railway to maintain the distinct character of the downtown core. To strengthen the pedestrian-friendly character and the traditional character of this section of the ‘Downtown Core’, heritage preservation and adherence to urban design principles such as maintaining a continuous building presence and setback at the streetline and a minimum two storey height shall be encouraged. Outside this area, development shall be less compact but potentially more diverse. While the continued conversion or partial conversion of dwellings to commercial uses is expected to continue, a significant residential component is expected to remain and may, in fact, intensify. Commercial uses around the periphery of the most concentrated area of the core shall be restricted to ensure compatibility with adjacent residential uses both in terms of use and intensity of development.

### 3.4.1.5 PUBLIC GATHERING PLACE



Efforts shall continue to be made to enhance and strengthen the 'Downtown Core' as a public gathering or meeting place to socialize, to engage in civic activities and special events, and to enjoy

arts, culture and heritage.

### 3.4.1.6 PARKING

Both on-street and off-street parking shall be provided for the convenience of patrons and businesses. Off-street parking and entrances which interrupt the street line particularly along Main Street shall be discouraged.

### 3.4.1.7 IMPROVEMENTS

To enhance the diversity and vitality of the 'Downtown Core' and strengthen its role as the centre and the defining character of Glencoe, on-going improvements to the economic, physical and social wellbeing of the core are considered warranted. The Urban Design Plan of 1997 shall be used as a guide to making improvements. Measures to be taken may include:

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- a) creating a compact, viable and distinct retail district;
- b) maintaining a strong, civic gathering place;
- c) protecting and restoring heritage buildings;
- d) creating and maintaining an attractive and continuous streetscape;
- e) conversion of derelict or underutilized floor space to viable uses;
- f) provision and maintenance of pedestrian amenities and conveniences;
- g) encouraging façade improvements;
- h) improving property maintenance;
- i) maintaining distinct boundaries or edges;
- j) provision of sufficient and convenient public parking;
- k) enhancing arts, cultural and visitor attractions;
- l) increasing housing opportunities.

### 3.4.2 COMMERCIAL

In addition to lands designated as the 'Downtown Core', lands have been designated specifically for commercial purposes at the west, south and east end of the Glencoe Urban Area. ~~The areas at the west~~

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~~end and at the east end were not previously designated 'Commercial' but are considered well suited for these purposes.~~

#### **3.4.2.1 PRIMARY USES**

The primary purpose of areas designated 'Commercial' on Schedule 'C' outside the 'Downtown Core' shall be for commercial uses that cater virtually exclusively to patrons arriving by motor vehicle. Commercial uses shall generally take the form of single purpose establishments with generous on-site parking. Multi-unit establishments shall be discouraged. Automotive-related uses are considered appropriate as well as commercial uses offering drive-through or similar convenience-type service. Small scale retail uses which cater more to pedestrian traffic and multi-purpose shopping trips and which are readily accommodated in the 'Downtown Core' shall be discouraged. The actual uses permitted shall be set out in the Zoning By-law.

#### **3.4.2.2 FORM AND CHARACTER OF DEVELOPMENT**

Areas designated 'Commercial' lie on the periphery of the Glencoe Urban Area and, as a result, are usually the first impression visitors receive of the community. Development in these areas shall, therefore, be designed and maintained to a high standard and shall incorporate elements, wherever possible, to create a favourable impression of the Village. These elements shall be encouraged and implemented through the site plan approval process. In addition, the Municipality

may introduce urban design standards for improvements along these corridors to enhance their gateway function.

#### **3.4.2.3 CRITERIA FOR DEVELOPMENT**

New development and redevelopment in designated 'Commercial' areas shall be guided by the following considerations:

- a) functional site design;
- b) the appearance of the development from the street;
- c) controls on the number, size and character of signs;
- d) entrances designed to facilitate turning movements and to minimize interference with traffic flow;
- e) adequate off-street parking, truck loading areas and garbage storage areas;
- f) adequate buffering and other mitigating measures to ensure compatibility between the development or redevelopment and adjacent uses, particularly residential areas;
- g) connection to the municipal water supply and sanitary sewage systems;
- h) adequate grading and drainage including storm water management measures to accommodate increased runoff from parking areas, building rooftops and other hard-surface areas.

### 3.4.3 INDUSTRIAL

Lands designated 'Industrial' are situated at the periphery of the Glencoe Urban Area along the north side of Appin Road and along the east side of Dundonald Road within the certified industrial site. In addition, lands designated 'Industrial' may also be found along the CN railway east of the 'Downtown Core'. ~~Lands previously designated 'Industrial' along the CN railway west of the 'Downtown Core' and at the west end of the village have been re-designated for other purposes due to the abandonment of former industrial uses and the more appropriate use of these lands for other purposes. The Municipality has acquired and serviced lands for industrial purposes in the south end of Glencoe.~~

#### 3.4.3.1 PRIMARY USES

The primary purpose of lands designated 'Industrial' on Schedule 'C' shall be for the manufacturing, assembling, processing of goods or materials, repairing, recycling, warehousing and distribution of goods and other items, truck terminals and building/construction contractors. The actual uses permitted shall be set out in the Zoning By-law.

#### 3.4.3.2 SECONDARY USES

In addition to the primary uses, other uses may be permitted provided they would not undermine the viability of the area for industrial purposes or conflict with industrial uses. They include;

- a) uses which are not generally suited to designated 'Commercial' areas;
- b) uses which have characteristics or functional requirements similar to industrial uses or which are otherwise considered suited to, or compatible with, 'Industrial' areas;
- c) uses which serve the needs of industrial uses or those employed in the 'Industrial' area,
- d) uses accessory or incidental to industrial uses.

The actual uses permitted shall be set out in the Zoning By-law. An amendment to the Zoning By-law may be required.

#### 3.4.3.3 CRITERIA FOR DEVELOPMENT

New development and redevelopment in designated 'Industrial' areas shall be guided by the following criteria:

- a) functional site design;
- b) provision of adequate off-street parking, truck loading areas and garbage storage areas;
- c) provision of adequate buffering and other mitigating measures to ensure compatibility between the development or redevelopment and adjacent uses, particularly residential areas resulting from the emission of noise, odour, smoke or similar nuisances;

- d) provision of suitably located, designed, and constructed entrances which minimize any adverse traffic or safety issues;
- e) landscaping and tree planting to improve the appearance of the development from the street;
- f) connection to the municipal water supply and sanitary sewage systems;
- g) adequate grading and drainage measures including storm water management measures to accommodate increased runoff from parking areas, building rooftops and other hard-surfaced areas.

#### 3.4.3.4 GLENCOE INDUSTRIAL PARK SECONDARY PLAN

Preparation of a secondary plan for undeveloped lands in the Glencoe Industrial Park in the south end of the urban area may be undertaken to ensure orderly and environmentally sound development and to determine servicing requirements, provisions for storm water management, development standards, lot layout and configurations, and road alignments and extensions.

#### 3.4.4 RESIDENTIAL

Lands designated 'Residential' cover the majority of lands in the Glencoe Urban Area. ~~Additional lands not previously designated 'Residential' have been included on the basis they are more suitable for these purposes than under their previous designation. In one~~

~~instance, lands previously designated 'Residential' have been designated 'Industrial'. Sufficient lands exist to accommodate anticipated future residential development. Most of the additional lands designated 'Residential' have been for the purposes of rounding out the settlement area boundary.~~

#### 3.4.4.1 PRIMARY USES

The primary purpose of lands designated 'Residential' on Schedule 'C' shall be for residential purposes including a broad range of housing types and densities from single unit dwellings to low-rise apartment buildings. A range of dwelling types and ownership is encouraged to meet the diverse needs and preferences of existing and future residents as well as providing for affordable housing. A number of zones and regulations for various housing types shall be established in the Zoning By-Law.

#### 3.4.4.2 SECONDARY USES

In addition to the primary uses, other uses may be permitted in areas designated "Residential" provided they complement and are compatible with these areas, primarily serve residential needs and do not detract from their predominantly residential character. These uses include churches, schools, neighbourhood parks, nursing and rest homes, day care centres, ~~and~~ home occupations, ~~and~~ Additional Residential Units in accordance with Section 2.5.11. The actual uses



permitted shall be set out in the Zoning By-law. An amendment to the By-law may be required.

#### **3.4.4.3 LOW DENSITY DEVELOPMENT**

Low density development (e.g. single unit dwellings, two unit dwellings) shall continue to be the dominant form of residential development. Development proposals shall be encouraged which:

- a) provide a creative, yet functional lot layout;
- b) create a sense of character and identity;
- c) result in attractive and distinctive streetscapes;
- d) incorporate public amenities and safety measures;
- e) facilitate pedestrian movement;
- f) utilize traffic calming measures;
- g) preserve and enhance natural features;
- h) ensure appropriate and effective buffering from adjacent non-residential uses;
- i) minimize total road length and road surface within practical considerations for snowplowing, surface drainage and on-street parking;
- j) maximize energy saving criteria such as southern exposure for solar gain and landscaping and to minimize the adverse effects of winds.

#### **3.4.4.4 SMALL LOT DEVELOPMENT**

Proposals for development of single unit dwellings on small lots shall be permitted provided adequate spacing is maintained between neighbouring dwellings and neighbouring driveways, on-street parking and road maintenance is not unduly compromised, private garages and driveways do not dominate the lot and the streetscape, significant front yard green space is maintained. The minimum lot size and frontage for small lot development shall be prescribed in the Zoning By-law.

#### **3.4.4.5 MEDIUM DENSITY DEVELOPMENT**

Medium density development (e.g. townhouses, low-rise apartments,) shall be designed such that the height, density and arrangement of buildings and structures achieves an attractive and harmonious design and does not adversely impact neighbouring lower density residential development. Development proposals shall be considered based on the following criteria:

- a) adequate buffering and/or separation from low density residential development;
- b) proximity to areas designated 'Downtown Core' and/or 'Open Space';
- c) vehicular access to an arterial or collector road or from a local street designed to accommodate the traffic generated;

- d) adequacy of municipal infrastructure (water supply, sanitary sewage, drainage, roads and sidewalks);
- e) adequacy of parking and amenity space.

#### **3.4.4.6 LIFESTYLE COMMUNITIES**

Lifestyle communities traditionally referred to as mobile home parks and now more often referred to as adult communities, 'gated' communities or retirement communities shall be permitted in accordance with the following criteria:

- a) The 'community' shall have direct or nearby access to an arterial or collector road with individual dwelling units serviced internally by a system of private roads designed and constructed to the standards prescribed by the Municipality.
- b) The 'community' shall be serviced by the municipal water supply system and municipal sanitary sewage system.
- c) Utilities and services shall be provided to individual units in accordance with the standards prescribed by the Municipality or public authority having jurisdiction.
- d) Suitable buffering shall be provided to minimize any adverse impacts from adjacent or neighbouring uses.
- e) Creative site design in terms of treatment of entrances, the layout of building sites and circulation systems, parking,

recreational facilities and amenities, and landscaped open space shall be expected.

- f) Naming of streets and municipal addressing shall be to the satisfaction of the Municipality
- g) Review and approval of ownership/leasehold structure and responsibilities to ensure protection of the Municipality's interests.

#### **3.4.4.7 INTENSIFICATION**

Residential intensification shall be strongly encouraged to make more efficient use of underutilized lands and infrastructure. Intensification and redevelopment targets are established in Section 2.5 of this Plan. Proposals shall be evaluated and conditions imposed to ensure that any proposed development is in keeping with the established residential character and constitutes an sympathetic 'fit' in terms of such elements as dwelling types, density and lot fabric. Appropriate services and amenities shall be provided.

#### **3.4.4.8 DEVELOPMENT PROPOSALS**

Proposals for residential development other than infilling and minor extensions to existing development shall be submitted with the following information prior to their formal consideration by the Municipality:

- a) design population and conceptual layout including lot size and shape,
- b) housing form, mix and density,
- c) water supply requirements and connection to the municipal water supply system,
- d) availability and ability to connect to the sanitary sewage system,
- e) storm water management,
- f) parkland dedication or cash-in-lieu,
- g) retention/enhancement of natural features,
- h) buffering/screening provisions where required,
- i) impact on off-site municipal facilities and services;
- j) financial impact (benefits and costs) on the Municipality.

#### **3.4.4.9 CONVERSION OF EXISTING DWELLINGS**

The conversion of single unit dwellings into multiple unit residential dwellings shall be permitted provided the following criteria are satisfied. An amendment to the Zoning By-law may be required.

- a) minimum size of individual dwelling units in compliance with the Ontario Building Code;

- b) adequate provision of outdoor, landscaped open space and on-site parking;
- c) compatibility with neighbouring dwellings types and residential character;
- d) maintenance of the quality of the streetscape.

#### **3.4.4.10 HOME OCCUPATIONS**

Home occupations shall be permitted provided they remain clearly secondary to the residential use and provided they do not create a nuisance or potential nuisance or detract in any way from the character, peace and enjoyment of the residential area within which they are situated. The range or type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

#### **3.4.4.11 RESIDENTIAL SPECIAL POLICY AREA NO. 1**

Notwithstanding the policies of Section 3.4.4 to the contrary, lands known municipally as 278 Elizabeth Street and comprising Lots 40, 41 and 42, Registered Plan 314 as shown on Schedule 'C', may be used for an electrical contracting business and accessory uses as more specifically set out in the Zoning By-law, such to an amendment to the Zoning By-law and subject to site plan control.

At such time as an electrical contracting business ceases to operate, development of the lands for residential purposes may be permitted

subject to the relevant policies of this Plan without an amendment to the Plan being required. Under no circumstances will commercial use be permitted to expand into adjacent residential areas.

### **3.4.5 OPEN SPACE**

Lands designated 'Open Space' are limited. They include the Glencoe Fairgrounds and a neighbourhood park as well as lands likely to be developed for park purposes or unlikely to be suitable for development due to their location and adjacent railway operations.

#### **3.4.5.1 PRIMARY USES**

The primary purpose of lands designated 'Open Space' on Schedule 'C' shall be for large areas used and maintained primarily for outdoor recreation purposes, public parks, lands to be maintained in their natural state and other lands intended to be maintained free and clear of buildings and structures. Neighbourhood parks may be established in any land use designation. The actual uses permitted shall be set out in the Zoning By-law.

#### **3.4.5.2 PARKLAND DEDICATION**

The provisions of the Planning Act shall be used to acquire land dedications for park or other recreational purposes. In the case of residential lands, the dedication is limited to 5% of the lands being subdivided or developed whereas in the case of commercial and industrial development, the dedication is limited to 2%. In the case of

medium density residential development, the Municipality may require lands be dedicated for park or other recreational purposes at the rate of 1.0 hectare for every 300 dwelling units, or where cash-in-lieu is accepted, it shall be provided at a calculated rate of one hectare per 500 dwelling units.

#### **3.4.5.3 CASH-IN-LIEU**

Where adequate parkland is available, ~~or~~ where more suitable sites exist elsewhere, or where parkland proposed to be conveyed does not meet the criteria in Section 3.4.5.4, a cash payment in lieu of a dedication of land for park purposes may be accepted which shall be used to purchase land elsewhere for park purposes or for other public recreational purposes. The amount of the payment shall be determined in accordance with the provisions of the Planning Act. The value of the subject lands shall be determined by an appraisal authorized by the Municipality, in accordance with the provisions of the Planning Act. This Plan recognizes the conveyance of land as the preferred method of parkland dedication.

#### **3.4.5.4 ACQUISITION**

Lands for park purposes shall primarily be acquired through dedications as a condition of lands being subdivided or otherwise developed, or through purchase using monies received from cash-in-lieu of providing parkland in areas where parkland is not considered necessary or appropriate. Lands proposed to be dedicated to the

Municipality for park purposes shall be evaluated on the basis of the following criteria:

- a) proximity and access to existing recreation facilities and parks;
- b) proximity and access to users;
- c) the size, shape, topography and drainage of the parkland parcel. The development of parkland parcels that are smaller than 0.5 hectares in size shall be discouraged, unless it is necessary to reconcile gap areas;
- d) suitability of supporting a variety of active and passive recreation uses. The acceptance of woodlots and environmentally sensitive as parkland dedication should be discouraged, although the Municipality may assume these lands (over and above the required amount) for the purposes of protecting natural areas for passive recreation and educational uses;
- e) adequate street frontage
- f) potential development and maintenance costs;
- g) potential for expansion.

#### **3.4.5.5 PRIVATELY-OWNED LANDS**

Where lands designated 'Open Space' are in private ownership, such designation does not imply that these lands are free and open to the

general public or that these lands will be acquired or assumed by the Municipality or any other public authority.

#### **3.4.6 INSTITUTIONAL USES**

##### **3.4.6.1 USES**

Institutional uses shall include public and quasi-public uses such as churches, schools (including private schools and special training schools), libraries, nursing or rest homes, funeral homes, community centres and indoor recreation facilities, quarters of community organizations and community clubs, and government buildings and offices. A residential unit may be included within a proposed institutional use if such a unit is necessary to the operation and/or maintenance of the proposed use. The actual uses permitted shall be set out in the Zoning By-law.

##### **3.4.6.2 AREAS PERMITTED**

In view of their nature, institutional uses shall be permitted in all areas designated on Schedule 'C'. New institutional uses shall be permitted upon due consideration of:

- a) compatibility with neighbouring uses. Buffering and landscaping shall be required between the proposed use and neighbouring uses where conflicts or negative impacts could result;

- b) existence of natural heritage features and potential negative impacts thereon;
- c) avoidance of hazardous lands and other development sensitivity areas;
- d) availability and adequacy of municipal services;
- e) adequate parcel size and dimensions;
- f) adequate access and off-street parking;
- g) storm water management.

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## 4 COMMUNITY AREAS: WARDSVILLE

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### 4.1 CHARACTER

The only settlement area in Southwest Middlesex that potentially qualifies as a 'Community Area' under the County of Middlesex Official Plan is the Village of Wardsville. In ~~2006~~ 2021, its population was recorded at ~~374~~ 420 (Statistics Canada), an ~~decline~~ increase of its ~~2004~~ 2016 recorded population of ~~417~~ 382. While Wardsville currently serves a community function, like many small villages and hamlets removed from large population and employment centres in southwestern Ontario, it has witnessed a decline in terms of the goods and services it once offered. It nevertheless has the potential to accommodate future population growth.

The Village has developed historically in a linear fashion along Longwoods Road being County Road No. 2 (formerly Highway No. 2). Hagerty Road, County Road No. 1, provides a direct link to Newbury to the northwest and Highway No. 401 to the southwest. Paint Creek meanders through the Village before



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outletting into the Thames River which forms the Village's southern boundary. The watercourses and undulating relief provide an attractive setting for the Village.

The Village's historic core lies along Longwoods Road in the centre of the Village. A few remnant heritage buildings remain as reminders of a once more cohesive building fabric. While a number of opportunities exist in the core for redevelopment, infilling and conversion of residential uses to commercial uses, demand continues to be limited.

While primarily a residential community, Wardsville has a significant institutional role being the site of a Babcock Community Care Centre (a nursing home) and the Quad County School for the physically and mentally challenged. Immediately across the Thames River in the neighbouring Municipality of West Elgin lies a rest home, Beattie Haven. The picturesque setting and quiet atmosphere of the Village and nearby health care (i.e. Four Counties Health Services) and recreation facilities (e.g. Wardsville Golf Course) provide an opportunity to attract a retirement population. Wardsville is serviced by municipal sanitary sewage system and a municipal water supply system.

~~The recent installation of a municipal water supply system provides a secure and safe source of water and improved fire protection throughout the Village. A municipal sanitary sewage system became operational in 2001. With these significant improvements in basic infrastructure and the elimination of related public health issues, the~~

**WARDSVILLE 4-15**

Village will be capable of accommodating new development and, in the process, improve its sustainability.

#### **4.2 DESIGN POPULATION**

Historically, the population of Wardsville has been stable or in a state of decline. Its highest ever recorded population was 540 in 1881. The population of Wardsville has increased from 382 in 2016 to 420 in 2021, Current population projections anticipate moderate to high growth in housing to the end of the planning horizon in 2046. In the absence of a proactive and effective strategy to induce persons to move to Wardsville and the provision of housing sought by senior citizens, Wardsville may well continue to stagnate and possibly decline further. In fact, the 2006 population of Wardsville recorded by Statistics Canada showed a further decline to 374 persons. Assuming a modest annual growth rate (0.5%) and based on a 2001 population of 374 persons, the population of Wardsville may be in the order of 500 persons by 2026, being the end of the planning period. Based on the current projections for the Municipality and assuming that Wardsville maintains a similar proportion of the population, it is projected that the population of Wardsville would increase to approximately 450 people by 2046. This target population shall be reviewed every 5 years following the release of the census by Statistics Canada.

#### **4.3 GOALS AND OBJECTIVES**

The following goals and objectives shall guide the planning, development, redevelopment and improvement of the Wardsville Community Area:

- a) To attract a retirement population;
- b) To develop and maintain a strong viable commercial core as the primary centre of the Village with its own sense of identity and character;
- c) To increase residential development without compromising the ability of the Municipality to provide appropriate services and facilities to accommodate such development;
- d) To increase the range of local services and facilities and, in particular, those for a retirement population;
- e) To develop a continuous system of passive open space accessible to the public along Paint Creek and the Thames River;
- f) To support the development of brownfield sites and other underutilized sites to make more efficient use of existing infrastructure, to ensure a higher utilization of urban land to limit the need for urban expansion onto rural land;
- g) To maintain the traditional and desirable qualities of privacy, quiet enjoyment and land use compatibility.



## **4.4 LAND USE**

### **4.4.1 RESIDENTIAL**

Areas designated “Residential” are intended primarily for continued and future residential purposes include existing residential development as well as lands to accommodate new residential development. ~~All lands previously designated ‘Residential’ in the former Village of Wardsville Official Plan are included as well as lands previously designated ‘Agricultural ‘ in Lot 15, Range I North and Range I South. Additional lands formerly in the Township of Mosa in Lot 14, Range I North, the site of a proposed residential condominium development associated with the Wardsville Golf Course, and a portion of Lot 14, Range I South for the purposes of ‘squaring of’ the boundary of the settlement area are also included in the “Residential” designation.~~

#### **4.4.1.1 PRIMARY USES**

Within areas designated 'Residential' on Schedule 'D', the primary use of land shall be for single unit detached dwellings. Other dwelling types shall also be permitted including additional residential units, converted dwellings and buildings, townhouses and small scale apartment buildings. A range of dwelling types and ownership is encouraged to meet the diverse needs and preferences of existing and future residents as well as providing for affordable housing. The actual uses permitted shall be set out in the Zoning By-law.

### **4.4.1.2 SECONDARY USES**

In addition to the primary uses, other uses may be permitted in areas designated “Residential” provided they complement and are compatible with these areas and do not detract from the established residential character of these areas. These uses include ~~churches~~ places of worship, schools, neighbourhood parks, nursing and rest homes, day care centres, ~~and~~ home occupations, ~~and~~ Additional Residential Units in accordance with Section 2.5.11. The actual uses permitted shall be set out in the Zoning By-law. An amendment to the By-law may be required.

#### **4.4.1.3 SCALE, DENSITY AND FORM**

The scale, density and form of new residential development shall complement and re-enforce the existing, low-profile village character of the Wardsville Community Area.

#### **4.4.1.4 INTENSIFICATION**

Residential intensification and redevelopment shall be strongly encouraged to make more efficient use of underutilized lands, buildings and infrastructure. Intensification and redevelopment targets are established in Section 2.5 of this Plan. Proposals shall be evaluated and conditions imposed as necessary to ensure that any proposed development complements the existing residential character, constitutes an appropriate ‘fit’ in terms of such elements as dwelling

types, density, building design and layout. Appropriate services and amenities shall be capable of being provided.

#### **4.4.1.5 LIFESTYLE COMMUNITIES**

Lifestyle communities traditionally referred to as mobile home parks and now more often referred to as adult communities, 'gated' communities or retirement communities shall be permitted in accordance with the following criteria:

- a) The 'community' shall have direct or nearby access to an arterial or collector road with individual dwelling units serviced internally by a system of private roads designed and constructed to the standards prescribed by the Municipality.
- b) The 'community' shall be serviced by the municipal water supply system and municipal sanitary sewage system.
- c) Utilities and services shall be provided to individual units in accordance with the standards prescribed by the Municipality or public authority having jurisdiction.
- d) Suitable buffering shall be provided to minimize any adverse impacts from adjacent or neighbouring uses.
- e) Creative site design in terms of treatment of entrances, the layout of building sites and circulation systems, parking, recreational facilities and amenities, and landscaped open space shall be expected.

- f) Naming of streets and municipal addressing shall be to the satisfaction of the Municipality.
- g) Review and approval of ownership/leasehold structure and responsibilities to ensure protection of the Municipality's interests.

#### **4.4.1.6 DEVELOPMENT PROPOSALS**

Proposals for residential development other than infilling and minor extensions to existing development shall be submitted with the following information prior to their formal consideration by the Municipality:

- a) design population and conceptual layout including lot size and shape,
- b) housing form, mix and density,
- c) water supply requirements and connection to the municipal water supply system,
- d) availability and ability to connect to the sanitary sewage system,
- e) storm water management,
- f) parkland dedication or cash-in-lieu,
- g) retention/enhancement of natural features,
- h) buffering/screening provisions where required,

- i) impact on off-site municipal facilities and services;
- j) financial impact (benefits and costs) on the Municipality.

#### **4.4.1.7 HOME OCCUPATIONS**

Home occupations shall be permitted provided they remain clearly secondary to the main residential use and provided they do not create a nuisance or potential nuisance or detract in any way from the character, peace and enjoyment of the residential area within which they are situated. The range or type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

#### **4.4.2 COMMERCIAL**

Areas designated for continued and future commercial activities stretch along Longwoods Road from Paint Creek to the former boundary of the Village. The area includes the historic commercial core, which has been fractured by demolitions and loss by fire. On either side of the historic core, commercial development is less intensive and interspersed by non-commercial uses. Adequate lands exist within this area to accommodate anticipated commercial development.

#### **4.4.2.1 PRIMARY USES**

On lands designated 'Commercial' on Schedule 'D', a full range of commercial uses shall be permitted including general merchandise, specialty merchandise, food, auto-related uses, offices and service uses. Institutional uses, accessory residential uses integrated with commercial uses and other non-commercial uses considered compatible with commercial development may also be permitted. The actual uses permitted shall be set out in the Zoning By-law.

#### **4.4.2.2 COMMERCIAL CORE**

New commercial development shall be encouraged, wherever feasible and appropriate, to locate in the established commercial core where opportunities exist for infilling, redevelopment and conversion to other uses. Residential uses shall also be permitted within existing commercial buildings to make use of persistent or underutilized floor space suitable for residential purposes. Increasing the compactness of the core and the preservation of heritage buildings shall also be encouraged to enhance its identity and the convenience of pedestrians. Enhancement of the core by improvements to its visual character and the provision of amenities are desirable and may be undertaken by the Municipality contingent upon support from property owners and business establishments and financial resources being available.

#### **4.4.2.3 CRITERIA FOR DEVELOPMENT**

New development and redevelopment in designated 'Commercial' areas shall be guided by the following considerations:

- a) functional site design;
- b) appearance of the development from the street;
- c) the number, size and character of signs;
- d) entrances designed to facilitate turning movements and to minimize interference with traffic flow;
- e) adequate off-street parking and garbage storage areas;
- f) adequate buffering measures to ensure compatibility between the development or redevelopment and adjacent uses, particularly residential areas;
- g) connection to the municipal water supply and sanitary sewage systems;
- h) storm water management measures, where feasible, to accommodate increased runoff from parking areas, building rooftops and other hard-surface areas.

#### **4.4.3 OPEN SPACE**

Lands designated 'Open Space' are associated with Paint Creek which meanders through the centre of Wardsville and lands along the Thames River which contribute to the natural character of the village.

These lands are not entirely suitable for development due to potentially hazardous conditions as a result of erosion or flooding. Also designated 'Open Space' are lands comprising the Wardsville Golf Club.

#### **4.4.3.1 PRIMARY USES**

The primary purpose of lands designated 'Open Space' on Schedule 'D' shall be for lands to be maintained in their natural state, areas used and maintained primarily for outdoor recreation purposes, public parks and other lands intended to be essentially free and clear of buildings and structures due to their susceptibility to flooding, erosion or other physical hazards. Small scale neighbourhood parks and parkettes may be established in any land use designation. The actual uses permitted shall be set out in the Zoning By-law.

#### **4.4.3.2 NATURAL HERITAGE FEATURES**

Where development is being proposed within or adjacent to natural heritage features, the policies of this Plan governing such features shall be complied with.

#### **4.4.3.3 PARKLAND DEDICATION**

The provisions of the Planning Act shall be used to acquire land dedications for park or other recreational purposes. In the case of residential lands, the dedication is limited to 5% of the lands being subdivided or developed whereas in the case of commercial and

industrial development, the dedication is limited to 2%. In the case of medium density residential development, the Municipality may require lands be dedicated for park or other recreational purposes at the rate of 1.0 hectare for every 300 dwelling units, or where cash-in-lieu of parkland is accepted, it shall be provided at a calculated rate of one hectare per 500 dwelling units.

#### **4.4.3.4 CASH-IN-LIEU**

Where adequate parkland is available, ~~or~~ where more suitable sites exist elsewhere, or where parkland proposed to be conveyed does not meet the criteria in Section 4.4.3.5., a cash payment in lieu of a dedication of land for park purposes may be accepted which shall be used to purchase land elsewhere for park purposes or for other public recreational purposes. The amount of the payment shall be determined in accordance with the provisions of the Planning Act. The value of the subject lands shall be determined by an appraisal authorized by the Municipality, in accordance with the provisions of the Planning Act. This Plan recognizes the conveyance of land as the preferred method of parkland dedication.

#### **4.4.3.5 ACQUISITION**

Lands for park purposes shall primarily be acquired through dedications as a condition of lands being subdivided or otherwise developed, or through purchase using monies received from cash-in-lieu of providing parkland in areas where parkland is not considered

necessary or appropriate. Lands proposed to be dedicated to the Municipality for park purposes shall be evaluated on the basis of the following criteria:

- a) proximity and access to existing recreation facilities and parks;
- b) proximity and access to users;
- c) the size, shape, topography and drainage of the parkland parcel. The development of parkland parcels that are smaller than 0.5 hectares in size shall be discouraged, unless it is necessary to reconcile gap areas;
- d) suitability of supporting a variety of active and passive recreation uses. The acceptance of woodlots and environmentally sensitive as parkland dedication should be discouraged, although the Municipality may assume these lands (over and above the required amount) for the purposes of protecting natural areas for passive recreation and educational uses;
- e) adequate street frontage
- f) potential development and maintenance costs;
- g) potential for expansion.

#### **4.4.3.6 PRIVATELY-OWNED LANDS**

Where lands designated 'Open Space' are in private ownership, such designation does not imply that these lands are free and open to the

general public or that these lands will be acquired or assumed by the Municipality or any other public authority.

#### **4.4.4 INSTITUTIONAL USES**

##### **4.4.4.1 USES**

Institutional uses shall include public and quasi-public uses such as ~~churches~~ places of worship, schools (including private schools and special training schools), libraries, nursing or rest homes, funeral homes, community centres and indoor recreation facilities and the quarters of community organizations and community clubs. A residential unit may be included within a proposed institutional use if such a unit is necessary to the operation and/or maintenance of the proposed use. The actual uses permitted shall be set out in the Zoning By-law.

##### **4.4.4.2 AREAS PERMITTED**

In view of their nature, institutional uses shall be permitted in all areas designated on Schedule 'D'. New institutional uses shall be permitted upon due consideration of:

- a) compatibility with neighbouring uses. Buffering and landscaping shall be required between the proposed use and neighbouring uses where conflicts or negative impacts could result;
- b) existence of natural heritage features and potential negative impacts thereon;

- c) avoidance of hazardous lands and other development sensitivity areas;
- d) availability and adequacy of municipal services;
- e) adequate parcel size and dimensions;
- f) adequate access and off-street parking;
- g) storm water management.

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## 5 RURAL AREA

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### 5.1 CHARACTER

The rural area of the Municipality of Southwest Middlesex is generally flat to gently undulating and has been extensively cleared for agricultural purposes, although significant natural heritage features remain, particularly in



the former Township of Mosa. Woodlands comprise an estimated 15% of the land base, the highest in the County and well above the County average. The greatest relief in topography is found in the northernmost end of the Municipality (the Peak of Mosa) and along its southerly boundary formed by the meandering Thames River.

The Caradoc Sand Plain and the Ekfrid Clay Plain comprise the two dominant soil regions of the Municipality. The Caradoc Sand Plain represents the larger of the two, and features well drained, sandy soils while the Ekfrid Clay Plain features hardier, less well drained clay soils. Soils in both instances exhibit a high capability for agriculture.

Urbanization of the rural area is not prevalent with the result that the character of the rural area has been maintained, conflicts with agriculture minimized and the demand for higher levels of service curbed.

### 5.2 DESIGN POPULATION

The current population of the rural area of the Municipality is estimated to be in the order of ~~3,600~~ 3,215 persons. It is anticipated that the rural area may continue to witness a decline in population resulting from a continuing decline in household size and the replacement of the 'farm family' by larger operations. Controlled, rural residential development should serve to offset this decline. Scattered residential development and other non-agricultural intrusions in the rural area shall be discouraged to limit the potential for conflicts with agriculture and to maintain the predominant and pre-eminent use of the rural area for agricultural purposes.

### 5.3 GOALS AND OBJECTIVES

The following goals and objectives shall guide the use of land and maintain the character of the rural area:

- a) To preserve and protect prime agricultural land;
- b) To maintain agriculture as the predominant use of land in the rural area;

- c) To enable those engaged in agriculture the freedom and flexibility to operate their farms effectively and efficiently without undue interference from the intrusion of non-agricultural conflicting uses;
- d) To ensure intensive livestock operations are properly managed to minimize the potential for adverse environment impacts;
- e) To recognize the legitimate requirements and needs of certain non-farm related uses to establish in the rural area;
- f) To discourage the further scattering of rural residential development throughout the rural area.

## **5.4 LAND USE**

### **5.4.1 AGRICULTURAL**

The 'Agricultural' land use designation encompasses the largest portion of the land base of the Municipality of Southwest Middlesex. It constitutes a prime agricultural area within the meaning of the Provincial Policy Statement reflecting the existence of high capability soils for agriculture and the large portion of the Municipality's land area classified as improved land. Soils vary considerably from sandy soils in the north to heavy clays in the south. An extensive drainage network comprising natural tributaries and municipal drains has been developed. Livestock farming (primarily poultry, beef cattle and hogs) and cash crops (primarily corn and soya beans) are the predominant farming types. Sandy soils at one time were used extensively for the growing of tobacco.

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The policies of the 'Agricultural' designation which follow are intended to ensure the continuation of farming as the predominant use of the rural area of Southwest Middlesex -- free in its ability to function and expand in accordance with sound technological, conservation and environmental practices and without the constraints imposed by potentially conflicting land uses. The nature of farming requires that large contiguous areas of productive land be reserved for farming purposes and activities, which are either supportive of, or complementary to, farming. The intrusion of incompatible or conflicting land uses, singularly or cumulatively, are potentially detrimental to farming and shall be discouraged. While land uses in addition to farming are permitted under certain and limited circumstances, they will be strictly controlled in terms of their type, scale and location so as not to conflict with farming or result in the loss of prime agricultural land.

#### **5.4.1.1 PRIMARY USES**

Within areas designated 'Agricultural' on Schedule 'E', the primary use of land shall be for the cultivation of land, the raising of livestock and the growing of trees. A full range of agricultural activity shall be permitted including cash crops, livestock, market gardening, tobacco farming, specialty crops, aquaculture, horticulture and forestry, and buildings and structures associated therewith. Where the size and nature of the farm operation requires additional farm employment, temporary or permanent accommodation for farm labour may be

***RURAL AREA 5-2***



provided in accordance with section 2.5.9 or 5.4.1.11. The actual uses permitted shall be set out in the Zoning By-law.

#### **5.4.1.2 SECONDARY USES**

In addition to the primary uses, lands designated 'Agricultural' may be used for other purposes provided that such other uses primarily serve or are otherwise directly related to, or complement, agricultural activity. Uses which would not be detrimental, offensive or conflict with agricultural activities and which are necessarily located in the rural area due to their nature or their potential to create conflicts if located within settlement areas may also be permitted. Secondary uses may include agriculturally-related commercial and industrial uses, dog kennels, wildlife preserves, passive outdoor recreation uses, exploration and extraction of petroleum, commercial wind generation systems, farm occupations, and home occupations, on-farm diversified uses, and Additional Residential Units in accordance with Section 2.5.11. The actual uses permitted shall be set out in the Zoning By-law. An amendment to the By-law may be required.

#### **5.4.1.3 PRESERVATION OF PRIME AGRICULTURAL LAND**

Within areas designated 'Agricultural', prime agricultural land shall be protected for farming. Prime agricultural lands shall include specialty crop lands and lands falling within the top three soil capability rankings of the Canada Land Inventory of Soil Capability for Agriculture.

#### **5.4.1.4 RIGHT-TO-FARM**

The Municipality shall uphold the principle of normal farm practice when addressing complaints with respect to noise, odours and dust and similar nuisances brought against farmers in the Municipality and may be represented in support of any farmer acting in accordance with normal farm practices at any proceeding called to resolve such complaints under the Farming and Food Production Protection Act.

#### **5.4.1.5 LIVESTOCK BUILDINGS AND MANURE STORAGE FACILITIES**

New and enlarged livestock buildings and manure storage facilities shall only be permitted in accordance with the Nutrient Management Act and its accompanying regulations. Compliance with the Minimum Distance Separation (MDS II), as set out in The Minimum Distance Separation (MDS) Document, Formula and Guidelines for Livestock Facilities and Anaerobic Digester Odour Setbacks – Publication 853 as amended or revised from time to time, shall be required unless a minor variance is otherwise granted. Depending on the capacity of the new or enlarged livestock building or manure storage facility, preparation of a nutrient management plan may be required. Nutrient management plans are required for existing livestock operations and manure storage facilities in accordance with the requirements of the Nutrient Management Act

#### **5.4.1.6 MINIMUM DISTANCE SEPARATION**

- a) The Municipality may exempt building permit applications for dwellings on lots that existed prior to March 1, 2017, provided the Municipality adopts provisions in their comprehensive zoning by-law which clearly state the details for such exemptions. The Zoning By-law provisions may include, but are not limited to, those which only require an MDS I setback for building permit applications:
- i) on existing lots that are in a particular land use zone or designation;
  - ii) on existing lots that are above or below a certain size threshold;
  - iii) on existing lots which are vacant (e.g., no existing dwellings or other buildings);
  - iv) on existing lots, but where the MDS I setback cannot be met, then through a planning application, allow a dwelling provided that it be located as far as possible from the existing livestock facility from which the setback cannot be met;
  - v) on lots which exist prior to a specific date (e.g., March 1, 2017 or the date of adoption of comprehensive zoning by-law); or

vi) for certain types of buildings (e.g., dwellings).

- b) A cemetery shall only be recognized as a Type A land use when there is no place of worship located on the same lot as the cemetery or where the cemetery is closed, as per the Minimum Distance Separation Guidelines, as amended from time to time. Cemeteries that meet these criteria located in the Municipality of Southwest Middlesex include:
- i) Big Bend Cemetery – 2269 Longwood Drive
  - ii) Carswell Cemetery - Buttonwood Road (Con. 10, Gore Lot 6, Lot 7)
  - iii) Cashmere Cemetery - 695 Longwoods Road
  - iv) Gardiner Cemetery - 450 Longwoods Road
  - v) Lotan Cemetery - 5472 Century Drive
  - vi) McConnell Cemetery - CPR Drive - in field (Con. 4, Lot 12)
  - vii) McKellar Cemetery - 5612 Riverside Drive
  - viii) O'Malley & Archer Cemeteries - Hagerty Road back of farmed field (R1N, Lot 17)
  - ix) St. Andrew Cemetery - 112 Main Street (behind house)

x) Walker Cemetery - Concession Drive (across from Glencoe District High School)

xi) Wardsville (Kennedy Street) Cemetery - Kennedy Street (R1S, Lot 16)

xii) Willey Cemetery – 5267 Gentleman Drive

#### **5.4.1.7 BIOSOLIDS AND STORAGE**

Stewardship by landowners is encouraged to support the wise management of agricultural and water resources and contribute to the protection, restoration and management of natural areas and the health and integrity of the environment. The safe and effective management of land-applied materials containing nutrients supports agriculture and safeguards the environment and protects surface and ground water sources.

Land application of manure, biosolids and septage is regulated by the Province in accordance with the Nutrient Management Act, the Clean Water Act, the Source Water Protection Act, and the Environmental Protection Act. Land application of manure, biosolids and septage shall follow the requirements of the above noted legislation, and the regulations made under those Acts.

The storage of biosolids, similar to traditional fertilizer, shall be stored in a manner that ensures the protection of surrounding properties, watercourses and the environment while mitigating conflicts with

adjacent land uses. The processing and/or storage of predominantly non-agricultural source materials such as biosolids for the purpose of distribution are considered industrial uses and therefore subject to site plan control to mitigate land use conflicts and address matters such as stormwater management, setbacks, screening, buffering, etc.

#### **5.4.1.8 DIVISION OF FARM PARCELS**

The splitting of prime agricultural land into smaller parcels shall generally be discouraged. Where the splitting of prime agricultural land is proposed, the proponent shall demonstrate that the resulting smaller parcels will have no detrimental impact on agricultural productivity, operating efficiency and future farming options. In considering such applications, regard shall also be had to:

- a) the need to discourage the unwarranted fragmentation of farmland;
- b) the agricultural capability of the land;
- c) the type of agricultural activity engaged in and proposed to be engaged in;
- ~~d) whether both parcels are sufficiently large to constitute viable production units and to meet changing market conditions;~~
- e) whether both parcels are suitable for the type of agriculture common in the area and the size of both parcels is appropriate to the type of agriculture proposed;

- f) the viability of cultivating smaller parcels with current farm machinery and equipment;
- g) the need to discourage the creation of new parcels primarily for residential purposes
- h) the minimum farm parcel size as established in the Zoning By-law.
- i) the policies of the County of Middlesex Official Plan which discourages the creation of agricultural parcels less than 40 hectares.

The creation of residential lots on lands designated 'Agricultural' shall not be permitted with the exception of residential lots for the purposes of the disposal of a surplus farm dwelling in accordance with Section 5.4.1.7.

Lot adjustments for legal or technical reasons, including easements, corrections of deeds, quit claims, and minor boundary adjustments which do not result in the creation of a new lot or have any adverse impacts to agriculture, shall be permitted in accordance with Section 8.2.4.3."



#### **5.4.1.9 DISPOSAL OF SURPLUS FARM DWELLINGS**

Dwellings considered surplus to the needs of a farm as a result of farm consolidation, being the acquisition of additional farm parcels not necessarily contiguous to the home farm or base of operations, may be severed from the balance of the farm provided that the dwelling was constructed prior to 1999 has been in existence for a minimum of 10 years and is considered to be habitable. The following criteria shall be satisfied:

- a) new dwellings: The remaining farmland shall be zoned in a manner which prohibits the erection of any new dwelling in the future.
- b) farm buildings: Farm buildings deemed to be surplus to the needs of the farm or incompatible with the proposed surplus farm dwelling if retained with the farm, may be required to be demolished or removed as a condition of consent. Proximity to the surplus dwelling and proposed lot lines, compliance with the Minimum Distance Separation (MDS) Formulae and the heritage quality, structural condition and proposed use of the farm building shall be governing factors to whether demolition or removal will be required. Where such buildings are structurally sound, have potential for alternative and compatible uses and/or more likely to be maintained, they may be severed along with the surplus dwelling, subject to

a change in use permit under the Ontario Building Code. A re-zoning may be required and site plan control may apply.

- c) agricultural land; The loss of productive agricultural land shall be minimized by keeping the size of the lot being created to dispose the surplus farm dwelling or buildings to the minimum size required to accommodate the use and appropriate on-site water supply and sanitary waste disposal systems. In evaluating lot size as it relates to the residential use of the new lot, the location of the dwelling, accessory buildings, driveway access, landscaped open space and natural features will be considered. ~~as small as possible taking into account the location of the dwelling, accessory buildings, driveway, natural features and on-site water supply and sanitary waste disposal systems.~~
- d) water supply: An adequate and potable water supply shall be available to the surplus dwelling. The availability of an adequate and secure water supply shall be demonstrated to the satisfaction of the Municipality.
- e) sanitary waste disposal: The existing sanitary waste disposal system serving the dwelling shall be up-graded to current standards, if necessary, and wholly contained within the required setbacks of the proposed lot to the satisfaction of the Municipality.

- f) vehicular access: Vehicular access shall be available or made available from a road of reasonable construction and maintenance to the satisfaction of the County or the Municipality, as the case may be. Existing, substandard entrances may be required to be up-graded to current standards. Access shall not be permitted or retained where safety hazards could result due to poor sight lines; proximity to a traffic intersection or railway crossing; or due to the traffic flow characteristics of road. Where the proposed lot has or would require access to a County Road, compliance with the policies and requirements of the County of Middlesex shall be required.
- g) proximity to neighbouring livestock operations: Creation of the proposed lot shall not be permitted where it would have a detrimental impact on the operation, expansion or flexibility of any nearby livestock operation. Compliance with the Minimum Distance Separation Formula (MDS I) shall not be required. An environmental warning clause may be required on title alerting potential and future purchasers of the dwelling that they may be affected by odours from neighbouring livestock operations.
- h) lot frontage, depth and size: The frontage, depth and size of the proposed lot shall be suitable for the purpose intended and shall comply with the requirements of the

Zoning By-law. An amendment to the By-law shall be required.

#### 5.4.1.10 MUNICIPAL DRAINS AND SEVERANCES

Where lands that lie within the watershed of a municipal drain are being severed into smaller parcels, the applicant may be required, as a condition of a consent being granted, to assume all engineering and administrative costs associated with the preparation of a revised assessment schedule for the subject drain in accordance with the provisions of the Drainage Act.

#### 5.4.1.11 SECONDARY FARM OCCUPATIONS ON-FARM DIVERSIFIED USES

~~Secondary Farm Occupations conducted within a building other than a dwelling may be permitted on a farm provided they remain clearly secondary to the agricultural use being engaged in on the farm; provided they are agriculturally related or do not adversely affect neighbouring agricultural operations or the rural character; provided they are operated only by those residing on the property on which the secondary farm occupation is located, including not more than three non-family members; and provided the building is located in close proximity to existing buildings on the farm. Water supply and sanitary sewage services shall be appropriate to the activity being engaged in. Standards applying to secondary farm occupations shall be prescribed in the Zoning By-law. Outside storage associated with a secondary~~

~~farm occupation shall be limited in scale and be screened from view from surrounding roads. The Municipality acknowledges the importance to the agricultural community of enabling farm operators to diversify while at the same time supplement income from the farm operation. A variety of uses may qualify as on-farm diversified uses provided such uses are related to agriculture, supportive of agriculture or are able to co-exist with agriculture without conflict. An amendment to the Official Plan shall not be required to establish such uses and the following general criteria shall apply:~~

- ~~a) it shall be demonstrated that such uses cannot be located within a settlement area;~~
- ~~b) such uses shall be located on a farm property which is actively used for agricultural purposes;~~
- ~~c) such uses shall be clearly secondary to the principal agricultural use of the lands;~~
- ~~d) such uses shall be limited in size and lot coverage as more specifically defined and regulated in the Zoning By-law;~~
- ~~e) such uses shall be compatible with, and shall not hinder, neighbouring agricultural operations or conflict with adjacent sensitive uses;~~
- ~~f) such uses will be adequately serviced;~~

g) where such uses would be characterized by a higher density of human occupancy, such as accommodation uses, agri-tourism, and retail operations, they may be required to comply with Minimum Distance Separation Formulae;

h) Such uses will be subject to site plan control.

Proposals to establish on-farm diversified uses will be evaluated in accordance with the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851) authored by the Ministry of Agriculture, Food and Rural Affairs.

#### **5.4.1.12 SECOND DWELLINGS AND SEASONAL LIVING QUARTERS ON FARMS ACCOMMODATIONS FOR FARM LABOUR**

The Seasonal living quarters for migrant farm workers and other farm help to meet the needs of agriculture or agriculturally-related industries may be permitted for a temporary period of time, in accordance with Section 2.5.9 of the Official Plan and Zoning By-law, or on a permanent basis subject to the following criteria:

a) It can be demonstrated that the size and nature of the farm operation requires an additional dwelling unit to house farm labour needed for the day-to-day operation of the farm on a full-time year-round basis, or full-time seasonal basis over an extended growing season, and

such labour needs to be located on the same property as the farm operation;

b) shall be located in close proximity to the existing dwelling to minimize the impact on agricultural land, surrounding agricultural uses, and to co-locate services, where possible;

c) Shall be permitted where there is adequate water and sewage capacity on the lot to service the dwelling unit. Shall have adequate access;

d) Shall comply with the provisions of the Zoning By-law;

e) Shall not be permitted to be located within natural heritage system, floodplain areas, or hazardous lands;

f) Shall comply with the Minimum Distance Separation (MDS) formula relative to any neighbouring livestock facility;

g) The severance of a dwelling unit shall not be permitted.

The placement of a second dwelling on a farm may be permitted for a temporary period of time to a maximum of 10 years as stipulated by the Planning Act. In such instances, consideration shall only be given to situations where the nature of the farm operation warrants that such accommodation is required for the purposes of farm help or farm

~~family members engaged in a meaningful capacity in the operation of the farm. Seasonal living quarters for migrant farm workers and other farm help to meet the needs of agriculture or agriculturally-related industries may also be considered on a temporary basis. The temporary dwelling or living quarters shall be located within close proximity to the existing cluster of farm buildings and in compliance with the Minimum Distance Separation (MDS I) unless a minor variance is granted with respect to any neighbouring livestock facility. A Temporary Use By-law shall be adopted and an agreement entered into with the Municipality which addresses occupancy of the dwelling or living quarters and their removal or conversion to other uses at the end of the temporary period.~~

#### 5.4.1.13 DOG KENNELS

Dog kennels shall be permitted subject to appropriate measures being taken to minimize or eliminate any adverse impacts on neighbouring uses, to ensure the safety of neighbouring residents and to ensure the proper disposal of animal waste. Sites shall be sufficiently large to provide adequate space for outdoor exercise as well as buffering from neighbouring properties. ~~A minimum lot size, along with~~ Minimum separation distances from settlement areas and neighbouring dwellings shall be prescribed in the Zoning By-law. Maximum noise levels at the property line may also be prescribed and acoustical measures required. Site plan control shall apply to kennels containing 1 dogs or more to ensure that adequate buffering measures, security

fencing and other site improvements are undertaken and maintained, as per the Southwest Middlesex Animal Control By-law. A license shall be obtained from the Municipality and renewed as required.

#### 5.4.1.14 AGRICULTURALLY RELATED COMMERCIAL AND INDUSTRIAL USES

Commercial and industrial uses, that are directly and primarily related to serving the needs of the farm community, benefit by being located in close proximity to farm operations or are not well suited to being located in a Settlement Area (e.g. grain drying facilities and livestock marketing yards) may be permitted subject to the following criteria being satisfied.

- a) adjacent and surrounding land use: The proposed use shall be located and developed in a manner to ensure compatibility with existing or proposed land uses designated or zoned for development. Where necessary or desirable, the proposed use shall be adequately buffered from neighbouring land uses by the provision of adequate setbacks, landscaping and/or screening. Compliance with the Minimum Separation Distance Formula (MDS I) shall be required;
- b) water supply: An adequate and secure source of water capable of meeting the needs of the proposed use shall be demonstrated to exist.



- c) soils and drainage: Soils and drainage shall be suitable or made suitable to enable the proper installation and functioning of an independent, on-site sanitary waste disposal system, to enable the proper siting of buildings and structures, and to eliminate or minimize surface drainage onto adjacent lands.
- d) vehicular access: vehicular access shall be available or made available from a hard surface public road of reasonable construction and maintenance subject to the approval of the authority having jurisdiction. Access shall not be permitted where safety hazards could result due to poor sight lines, proximity to a traffic intersection or a railway crossing, or the traffic flow characteristics of the road. Where access is proposed to a gravel-surfaced local road, a contribution towards increased maintenance or up-grading to a hard-surfaced road may be required.
- e) lot frontage, depth and size: The lot frontage, depth, and size of any lot proposed to be used or created shall be adequate for the use proposed and shall comply with the requirements of the Zoning By-law.
- f) water and air emissions: The requirements and, where necessary, the approval of the Ministry of Environment, Conservation and Parks with respect to waste water disposal and emissions to the atmosphere including noise and vibration shall be complied with.

- g) zoning: The type, location, and scale of farm related commercial and industrial uses shall be regulated by means of a separate zone classification in the Zoning By-law. An amendment to the Zoning By-law shall be required.
- h) change in use: Where the original agriculturally-related commercial or industrial use ceases to occupy the subject lands and buildings and no similar type replacement uses are likely, a change in zoning may be considered to prevent long term vacancy and deterioration provided such uses are compatible with neighbouring uses and appropriately serviced.

#### **5.4.1.15 EXISTING VACANT LOTS**

Existing vacant lots (i.e. lots of record) may be used for the purposes of a single unit dwelling provided they are capable of being serviced by an adequate and secure source of water and an approved on-site sanitary waste disposal system. ~~and provided the location of the proposed dwelling satisfies the Minimum Distance Separation (MDS) with respect to any neighbouring livestock operation.~~ Existing lots of record may be exempt from Minimum Distance Separation (MDS) requirements in accordance with section 5.4.1.6.

#### **5.4.1.16 HOME OCCUPATIONS**

Home occupations shall be permitted provided they are clearly secondary to the residential use, are limited in scale and do not create a nuisance, conflict or blight with respect to any neighbouring uses or

detract from the rural character of the area. Greater restrictions may apply on smaller lots and in areas characterized by clusters or concentrations of residential development. The range or type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

#### **5.4.1.17 Commercial Wind Energy Generation ALTERNATIVE & RENEWABLE ENERGY SYSTEMS**

The Municipality shall encourage the development of alternative and renewable energy systems, as a source of energy for the economic and environmental benefit of the Municipality and the Province of Ontario. These systems significantly reduce the amount of harmful emissions to the environment when compared to conventional energy systems. The Municipality encourages the use of wind, water, biomass, methane, solar, and geothermal energy.

Alternative and Renewable Energy Systems should be designed and constructed with appropriate setbacks from sensitive land uses and cultural heritage resources to minimize impacts.

Commercial wind farms, comprising one or more large wind turbines, where wind-generated electrical energy is sold to the grid, may be permitted. Large parcels of agricultural land away from settlement areas and concentrations of residential development shall be preferred in order to reduce the potential impact of safety, noise and visual intrusion. Sites shall have access to a public road of a standard

adequate to accommodate construction equipment and vehicles to erect and, thereafter, maintain the wind turbines. Sufficient setbacks shall be maintained from occupied buildings to provide safety from structure collapse or falling ice. Sites shall also be sufficiently large such that safety and noise impacts are, for the most part, contained on-site. An amendment to the Zoning By-law shall be required and site plan control may apply.

- a) Commercial wind farms with a generating capacity of 2MW or greater shall be required to proceed through an environmental screening process pursuant to regulations adopted under the Environmental Assessment Act. The Municipality shall participate in such process and shall avoid any local approval process that unduly and unreasonably complicates, duplicates or conflicts with the environmental screening process. Compliance with federal environmental legislation and policies may also be required.
- b) In considering a proposal for a commercial wind farm, the Municipality may require one or more of the following studies unless otherwise addressed to its satisfaction in the environmental screening process. The studies shall be undertaken by persons qualified in the required discipline. Consultation with the Municipality prior to commencing such studies is advisable to determine what studies will be required and the nature and scope of the issues which need to be addressed:

i) ~~noise impact study: to determine appropriate setbacks such that noise levels do not exceed the Ministry of the Environment noise standards for neighbouring sensitive land uses;~~

ii) ~~visual impact study: to determine the impact and mitigation measures required for the shadow or reflection of light or other visual distraction coming from any part of a wind turbine on neighbouring sensitive land uses and to determine the impact and mitigation measures required for wind turbines on the landscape, public roads or other public lands;~~

iii) ~~natural heritage impact study: a Development Assessment Report (DAR) may be required with respect to any impact on any natural heritage feature and the measures identified to mitigate such impact;~~

iv) ~~operations and safety study: to ensure the siting and operation of the turbines will not adversely impact the operation or safety of any neighbouring residents, passing motorists, landing strip or telecommunications systems; and~~

v) ~~agricultural impact study: to demonstrate that the proposed wind turbines are located on lower priority agricultural lands, wherever possible, and which demonstrates that the placement of wind turbines would minimize the loss of prime agricultural land and any potential disruption to agricultural uses and normal farm practices.~~

~~Where existing lots of record are located in proximity to a wind farm, consideration shall be given to allowing future development of those~~

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~~lots in accordance with the noise, safety and visual impact or mitigation criteria for existing development.~~

#### **5.4.1.18 PETROLEUM RESOURCES**

The extraction of petroleum resources shall be permitted in accordance with the Oil, Gas and Salt Resources Act. Minimum setbacks for buildings and structures from production wells, unless related to production, shall be prescribed in the Zoning By-law.

#### **5.4.1.19 AGGREGATE RESOURCES**

While Southwest Middlesex is considered 'aggregate poor' insofar as there are no known deposits of aggregate which are commercially viable to extract, should such aggregate be discovered and before consideration is given to amending the Zoning By-law to permit extraction, the Plan shall be amended to identify the limits of the resource and the criteria to be satisfied before extraction would be allowed to take place. Impact on natural heritage features, compatibility with neighbouring uses and effective rehabilitation shall be key considerations. A license under the Aggregate Resources Act shall also be required. Resource extraction may be permitted as an interim use provided the lands are restored to a condition whereby substantially the same area and same average soil capability for agriculture is reinstated to the satisfaction of the Municipality.

#### 5.4.1.20 WAYSIDE PITS AND QUARRIES

The establishment of a wayside pit or quarry, being a temporary pit or quarry solely for the purposes of a particular road construction project or contract and not located within a public road allowance, shall be permitted in accordance with the following:

- a) a wayside permit being obtained from the Ministry of Natural Resources pursuant to the Aggregate Resources Act;
- b) natural heritage features shall not be encroached upon or adversely affected;
- c) restoration of the agricultural capability of the lands affected.

#### 5.4.1.21 REMOVAL OF TOPSOIL

To prevent the unwarranted removal of topsoil, the Municipality may adopt a by-law pursuant to the Municipal Act to set out the conditions governing the removal of topsoil in the Municipality.

#### 5.4.2 HAMLETS

Settlement areas designated 'Hamlet' on Schedule 'E' include Appin,



Melbourne, Middlemiss and Pratt Siding. A significant portion of Melbourne lies in the neighbouring Township of Strathroy-Caradoc. Of the four, Melbourne (when considered as-a-whole) best exhibits the scale, range of uses and traditional and multi-purpose role of a hamlet. By comparison, the remaining hamlets are considerably smaller and have fewer community functions being primarily residential communities. Growth has and continues to be limited due to distance to major employment centres, intervening settlements with superior amenities and facilities and a lack of full municipal services (i.e. water supply and sanitary waste disposal). Of all the hamlets, Melbourne appears to have the greatest potential for growth, but only in the event of a sanitary sewage system being installed. The boundaries of areas designated 'Hamlet' are shown on Figure 5.

#### 5.4.2.1 PRIMARY USES

Within areas designated 'Hamlet' on Schedule 'E', the primary use of land shall be for low density residential purposes. Single unit detached dwellings on lots suitably sized to allow for the proper siting and functioning of a private sanitary waste disposal system, shall be the predominant form of residential development. Other forms of low density residential development may also be permitted. The actual uses permitted shall be set out in the Zoning By-law.

#### **5.4.2.2 SECONDARY USES**

In addition to the primary uses, other uses may be permitted provided they are compatible with the scale and function of the hamlet. These uses shall include small scale commercial and industrial uses, institutional and recreational uses such as parks, schools and churches, ~~and~~ home occupations, ~~and Additional Residential Units in accordance with Section 2.5.11.~~ The actual uses permitted shall be set out in the Zoning By-law. An amendment to the By-law may be required.

#### **5.4.2.3 GROWTH AND SERVICING**

Growth and development shall be limited to infilling, rounding out and minor extensions to existing development (i.e. < 5 lots) within the boundary of the 'Hamlet' as shown on Figure 4. Where a municipal water supply is available, the proposed development shall be within the reserve capacity of the system and soils shall be suitable for the long term functioning of private on-site sanitary waste disposal systems. Where a municipal water supply is not available, demonstration of an adequate and potable supply of groundwater shall be required along with a demonstration that soils will be suitable for the long term functioning of private on-site sanitary waste disposal systems. ~~For development greater than 5 lots or producing more than 4500 L / day of effluent, an engineering report shall be submitted which evaluates all other servicing options.~~ Where the provision of full services (i.e. a municipal water supply system and a municipal

sanitary sewage system) are being considered, the designated 'Hamlet' shall be re-designated a 'Community Area' under Section 4 of this Plan. An amendment to the Plan shall be required.

#### **5.4.2.4 DEVELOPMENT CRITERIA FOR RESIDENTIAL USES**

The following criteria shall be used to evaluate proposals for residential development:

- a) the proposed development is in keeping with the existing scale and character of the 'Hamlet' and compatible with neighbouring development;
- b) an adequate and secure water supply is available or will be made available;
- c) soils are suitable or will be made suitable to support a private sanitary waste disposal system;
- d) cash-in-lieu of a parkland dedication is provided;
- e) a traffic hazard is not created;
- f) development of the remaining lands under the same ownership is not compromised;
- g) compliance with the Zoning By-law.

#### **5.4.2.5 DEVELOPMENT CRITERIA FOR NON-RESIDENTIAL USES**

Commercial, industrial and institutional uses shall generally be local in nature serving primarily the needs of the 'Hamlet' and the surrounding area. They shall be grouped with existing non-residential uses, wherever possible, in order to avoid scattered development within the hamlet and compatibility issues with residential uses. The following factors shall be considered in evaluating proposals for non-residential development:

- a) compatibility with neighbouring uses and measures provided where necessary to separate conflicting uses from and provide protection to adjacent uses;
- b) access to a County Road or proximate access to such road via a local street;
- c) adequate off-street parking;
- d) on-site landscaping;
- e) storm water management;
- f) compliance with the Zoning By-law;
- g) site plan agreement with the Municipality.

#### **5.4.2.6 HOME OCCUPATIONS**

Home occupations shall be permitted provided they remain clearly secondary to the main residential use, are limited in scale and do not create a nuisance or potential nuisance or detract in any way from the character, peace and enjoyment of the residential area within which they are situated. The range or type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

#### **5.4.2.7 OPEN SPACE**

The policies of Section 4.4.3 governing parkland dedication, cash-in-lieu, and acquisition shall apply with the necessary changes to settlement areas designated 'Hamlet' on Schedule 'E'.

#### **5.4.3 RURAL RESIDENTIAL**

Areas designated 'Rural Residential' on Schedule 'E' and, in greater detail, on Figure 6 are intended for the purposes of single unit dwellings on relatively large lots characterized by natural features and scenic quality. They are generally well removed from potentially conflicting farm operations and usually avoid productive agricultural land. ~~Most of the areas designated 'Rural Residential' were designated as such in the previous Official Plan of the Township of Mosa. In this Plan, some of these previously designated areas have been designated 'Agricultural' while, in a few instances, some areas are~~

~~designated 'Rural Residential' for the first time. The overall effect has been a substantial decrease in the amount of land, as well as in the number of areas, designated for these purposes.~~

#### **5.4.3.1 USES**

Within areas designated 'Rural Residential' on Schedule 'E', the primary use of land shall be for low density, single unit dwellings on relatively large parcels. Uses accessory to residential uses as well as uses which are compatible with residential uses such as home occupations and passive outdoor recreation uses shall also be permitted. The actual uses permitted shall be set out in the Zoning By-law.

#### **5.4.3.2 CRITERIA FOR DEVELOPMENT**

New uses shall be permitted subject to the following criteria:

- a) water supply: An adequate and secure water supply shall be available. Where an on-site well is being proposed, a letter from a qualified well driller or engineer shall be submitted confirming that an adequate and potable water supply is available.
- b) sanitary waste disposal: Lots shall be sufficiently large and soils shall be suitable to enable the proper functioning of private, independent sanitary sewage systems. The submission of a soils report may be required.

- c) soils and drainage: Soils and drainage shall be suitable or made suitable to enable the proper siting of dwellings and to eliminate or minimize surface drainage onto adjacent lands.
- d) vehicular access: Vehicular access shall be available or made available from a public road of suitable construction and year-round maintenance. New entrances to County Roads for residential purposes shall be discouraged.
- e) natural amenity and scenic quality: The natural amenity and scenic quality of the lands being developed shall be maintained and, wherever feasible, enhanced. Topography shall not adversely be altered and mature healthy trees shall be preserved and adequate safeguards taken during the construction process.
- f) environmental sensitivity: Where lands proposed for development lie within or in close proximity to natural heritage features, submission of a Development Assessment Report (DAR) may be required.
- g) preservation of rural character: The lot frontage and size of any lot proposed to be created shall be prescribed in the Zoning By-law and shall be sufficient to ensure maintenance of the rural character. In the 'Peak of Mosa' as shown on Figure 6, Map 1, the creation of lots on high capability agricultural land (Class 1 to Class 3 of the CLI for Agriculture) shall not be permitted to prevent the loss and fragmentation of

prime agricultural land and a minimum separation distance between dwellings shall be maintained, as prescribed in the Zoning By-law, to preserve the rural character of the area.

- h) proximity to livestock operations: A lot shall not be created where it would have a detrimental impact on the operation, expansion or flexibility of any nearby livestock operation. Compliance with the Minimum Distance Separation (MDS I) shall be required, or a minor variance granted, with respect to any neighbouring livestock operation. An environmental warning clause may be required on title alerting potential and future purchasers of the dwelling that they may be affected by odours from neighbouring livestock operations.

#### **5.4.3.3 HOME OCCUPATIONS**

Home occupations shall be permitted provided they remain clearly secondary to the residential use and provided they do not create a nuisance or potential nuisance or detract in any way from the character, peace and enjoyment of the area within which they are situated. The range or type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

#### **5.4.3.4 ZONING**

Until such time as a specific proposal has been submitted and found to be acceptable, undeveloped lands designated 'Rural Residential' shall

remain in an agricultural zone and the policies of this Plan governing lands designated 'Agricultural' shall apply.

#### **5.4.3.5 SPECIAL DEVELOPMENT AREA – KRISTA LANE**

A 'Special Development Area' refers to a specific location or development that specific policies are deemed necessary as a result of the history, previous commitments or the unique or otherwise special characteristics of these areas.

The area known as Krista Lane lying in Lot 1, Concession II of the former Township of Ekfrid was created in the early 1970's as an 18 lot development on the eve of the enactment of subdivision control across the Province. Lands were surveyed for a public road, although the road was never completely constructed (until recently). Seven of the original 18 lots were built before a comprehensive Zoning By-law was enacted by the Township in 1978 and further development prevented. In 2002, the Municipality of Southwest Middlesex entered into an agreement with the owners of the remaining undeveloped lots which lead to the installation of a municipal water supply, up-grading and extension of the then private road and assumption by the Municipality, drainage improvements and other matters. The development agreement was subsequently amended in 2014 to address matters including, but not limited to, the assessment of impacts to groundwater, protection of building foundations, storm water management, maintenance of natural heritage buffers, servicing, the removal of the wetland designation from the subject lot by the Ministry



of Environment, Conservation and Parks, and consultation with the Ministry of Environment, Conservation and Parks regarding species-at-risk. The agreement provides for the development of the remaining lots subject to a further agreement with the owner of an individual lot prior to the issuance of a building permit. Until such time as an agreement has been entered into with the Municipality for the development of an individual lot, the undeveloped lot may be placed in a 'holding' type zone in accordance with the provisions of the Planning Act. As the undeveloped lots lie within the J. Thompson Wetland, a provincially significant wetland or PSW, any development thereof requires the approval of the Lower Thames Valley Conservation Authority in accordance with Ontario Regulation 152/06.

#### **5.4.4 OPEN SPACE**

Outdoor recreational uses in the rural area have the potential to conflict with agriculture, remove agricultural land from production, adversely impact natural heritage features and be disruptive to rural residents and nearby settlement areas. On the other hand, the only viable or practical location for many of these uses and activities is the rural area. Existing lands used for active outdoor recreation purposes are designated on Schedule 'E'. New uses shall only be permitted by amendment to this Plan.

#### **5.4.4.1 PRIMARY USES**

Within areas designated 'Open Space' on Schedule 'E', the primary use of land shall be for active outdoor recreation uses and activities which often involve significant site alteration and the erection of permanent buildings and structures. Examples of such uses include golf courses, campgrounds and moto-cross. The actual uses permitted shall be set out in the Zoning By-law. Certain uses may only be permitted by a site-specific amendment as opposed to as-of-right in the Zoning By-law.

#### **5.4.4.2 CRITERIA FOR DEVELOPMENT**

Lands designated for new outdoor recreation uses and activities shall be based on the following criteria:

non-agricultural land: the use of low capability or non-agricultural land characterized by rolling topography, rough terrain, forest cover, and rivers or streams shall be preferred. Where the lands being proposed lie within a 'prime agricultural area' within the meaning of the Provincial Policy Statement, the proponent shall demonstrate that a need exists for the use; that the lands do not constitute a specialty crop area; that there are no reasonable alternative locations which avoid prime agricultural areas and that there are no reasonable alternative locations in 'prime agricultural areas' with lower priority agricultural lands;

natural heritage features: the policies of this Plan governing natural heritage features shall be complied with;

water supply: where required, an adequate and secure on-site water supply shall be demonstrated to exist. A letter from a qualified well driller or engineer shall be submitted confirming that an adequate and secure water supply exists for uses requiring large volumes of ground and surface water for irrigation and other purposes;

soils and drainage: soils and drainage shall be appropriate for the recreational activity being proposed. Where required, soils and drainage shall be suitable or made suitable to enable the proper installation and functioning of an independent on-site sanitary waste disposal system and to enable the proper siting of buildings;

impact on groundwater resources: in the case of golf courses, best management practices shall be required to ensure there is no adverse impact on groundwater resources;

vehicular access: vehicular access shall be available or made available from a hard surface public road of reasonable construction and maintenance subject to the approval of the authority having jurisdiction. Access shall not be permitted where safety hazards could result due to poor sight lines, proximity to a traffic intersection or a railway crossing, or the traffic flow characteristics of the highway or road. Where access is proposed to a gravel-surfaced local road, a

contribution towards increased maintenance or up-grading to a hard-surfaced road may be required.

adjacent and surrounding land use: the proposed use shall be located and developed in a manner to ensure compatibility with neighbouring land uses, particularly nearby residents and livestock operations. Sites with natural buffers shall be preferred. Compliance with the Minimum Distance Separation (MDS I) shall be required, or a minor variance granted, with respect to any neighbouring livestock operation. Where necessary or desirable, the proposed use shall also be adequately buffered from neighbouring land uses by the provision of adequate setbacks, landscaping and/or berms.

zoning: an amendment to the Zoning By-law shall be required. Consideration may be given to a Temporary Use By-law depending on the nature of the proposal and the potential for adverse impacts on neighbouring uses.

#### **5.4.4.3 PRIVATELY OWNED LANDS**

Where lands designated 'Open Space' are in private ownership, such designation does not imply that these lands are free and open to the general public or that these lands will be acquired or assumed by the Municipality or any other public authority.

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## **6 INFRASTRUCTURE**

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### **6.1 WHERE PERMITTED**

The use of land for the provision and maintenance of public utilities and infrastructure (e.g. water supply, sanitary sewage disposal, roads, electricity, natural gas, hydro corridors, electricity generation facilities and transmission and distribution systems, and telecommunications) and any buildings, structures or appurtenances thereto shall be permitted in all land use designations in accordance with any and all environmental requirements and approvals without an amendment to this Plan. Measures shall be undertaken to ensure no adverse impact on neighbouring land uses or on natural heritage features.

### **6.2 ROADS**

The Municipality of Southwest Middlesex is served by a network of arterial roads, collector roads and local roads. Arterial roads and not collector roads are under the jurisdiction of the County of Middlesex while local roads are under the jurisdiction of the Municipality. The road network is shown on Schedule 'E'.

### **6.2.1 ARTERIAL ROADS**

The primary function of 'Arterial Roads' is to carry relatively high volumes of vehicular traffic within and through settlement areas. Speed limits shall generally be higher than lower order streets and roads and maintaining traffic flow rather than access to abutting properties shall generally have priority. Access to abutting properties shall be limited and traffic control features shall, wherever possible, favour arterial roads over intersecting lower order streets and roads.

### **6.2.2 COLLECTOR ROADS**

The primary function of 'Collector Roads' is to provide a link between 'Arterial Roads' and 'Local Streets'. Maintaining traffic flow and access to abutting properties are generally of equal importance.

### **6.2.3 LOCAL ROADS**

The primary function of 'Local Roads' is to provide direct access to abutting properties, typically carrying less than ~~1500~~ 1000 vehicles per day. Streets with only one access (i.e. cul-de-sacs) shall typically have a maximum volume of 200 vehicles per day. Lower speed limits and traffic control devices may be applied to ensure public safety and the enjoyment of adjacent residential properties.

#### **6.2.4 COUNTY ROADS**

Development of lands adjacent to County Roads shall satisfy the requirements and obtain all the necessary approvals of the County of Middlesex. The policies of the County of Middlesex Official Plan governing minimum rights-of-way widths, minimum setbacks and access along roads under its jurisdiction shall apply. Development along 'County Roads' which would diminish their primary traffic function shall be discouraged. The Municipality shall solicit input from the County prior to approval of development which may directly or indirectly affect County Roads with respect to such matters as entrances, setbacks, road widening dedications, signage and drainage.

#### **6.2.5 ROAD ALLOWANCES**

The design width of a particular road allowance shall generally be in accordance with Table 1. Within settlement areas, the minimum right-of-way widths for arterial and collector County Roads shall be 30 metres and 26 metres respectively where such roads are built to an urban standard within the settlement area. On 'Local Roads' within settlement areas, existing road allowance with less than the standard width may be maintained where the design width would adversely affect abutting properties or is otherwise not feasible, desirable or necessary to acquire. New road allowances less than the standard width may be considered depending on the length of the street and the nature of development being proposed. Land dedications may be

required as a condition of approval of a subdivision, land severance or site plan approval to bring existing road allowances up to their design width. Where a land dedication for road widening is being considered as a condition of development or the subdividing or severing of land, the amount of land to be taken shall be taken in equal amounts from both sides of the subject road measured from the centreline of the road except where physiographic conditions, utility lines, hydro corridors, or other features dictate otherwise.

**TABLE 1**  
**DESIGN WIDTHS: ARTERIAL, COLLECTOR & LOCAL ROADS**  
**Municipality of SOUTHWEST MIDDLESEX**

Classification & Name	Design Width*	Limits
<b>ARTERIAL</b>		
Concession Drive (C.R. No. 14)	36 m	Dundonald Road to Hagerty Road
Dundonald Road (C.R. 80)	36 m	Parkhouse Drive to Longwoods Road
Glendon Drive (C.R.14)	36 m	all
Longwoods Road (C.R.2)	36 m	all
Melbourne Road (C.R. 9)	36 m	all
<b>COLLECTOR</b>		
Clachan Road (C.R. 14)	30 m	all
Concession Drive (C.R.14)	30 m	Hagerty Road to Clachan Road
Dundonald Road (C.R. 80)	30 m	Appin Road to Lambton County
Hagerty Road	30 m	all
Thames Road (C.R.8)	30 m	all
<b>LOCAL</b>		
Industrial	26 m	
Residential	20 m	
<i>* except as set out in Section 6.2.5 of this Plan</i>		

**6.2.1 DESIGN AND CONSTRUCTION**

New roads created for dedication to the Municipality as public roads shall be designed and constructed to the standards of the Municipality

prior to assumption. Where new roads are proposed to intersect with a 'County Road', the location, design, and construction of these roads at their point of intersection shall be subject to the approval of the County of Middlesex.

**6.2.2 MINIMUM SETBACKS**

Minimum setbacks for buildings and structures from 'Arterial Roads', 'Collector Roads' and 'Local Roads' shall be specified in the Zoning By-law.

**6.2.3 ENTRANCES**

Where access is available from a higher order road and a lower order road (e.g. arterial road and a collector road), access shall generally be restricted to the lower order road. The number, location, design and construction of entrances shall be subject to the authority having jurisdiction.

**6.2.4 PRIVATE STREETS**

Private streets shall only be considered in developments registered under the Condominium Act or as otherwise may be permitted by this Plan.

### **6.2.5 UNOPENED OR ABANDONED ROAD ALLOWANCES**

Unopened or abandoned road allowances may be closed and the lands conveyed to abutting property owners where access would not be compromised in accordance with the provisions of the Municipal Act.

### **6.3 WATER SUPPLY**

Southwest Middlesex is serviced by the Tri-County Water Management West Elgin Primary Water Supply System, a regional system serving a number of communities in Dutton-Dunwich, Southwest Middlesex, Newbury, West Elgin, and the community of Bothwell in Chatham-Kent, Elgin County, Middlesex County and Chatham-Kent. The system is managed by the Tri-County Water Management Committee Board and operated by the Ontario Clean Water Agency (OCWA). On-going improvements to the system in terms of capacity and water quality are designed to ensure an adequate and secure source of supply capable of meeting the anticipated needs of 'Settlement Areas' and portions of the 'Rural Area' along its route.

#### **6.3.1 TRUNK MAIN**

The trunk watermain serving Southwest Middlesex begins at a reservoir owned by the Municipality on the northern edge of West Lorne and proceeds north on County Road No. 76 before crossing the Thames River and entering the Municipality. At Woodgreen, the line runs

northeast to service Glencoe, Appin and Melbourne and northwest to service Pratt Siding and Wardsville. While service to rural area residents, farms and other uses along its route is feasible, the Municipality shall ensure that the integrity of the trunk main to service 'Settlement Areas' both inside and outside Southwest Middlesex is maintained.

#### **6.3.2 MANDATORY CONNECTION**

All development within settlement areas with the exception of Middlemiss shall be connected to, and serviced by, the municipal water supply system.

#### **6.3.3 MONITORING**

The municipal water supply system shall be monitored to ensure an adequate, secure and potable water supply to those being served by it. Improvements shall be undertaken and measures adopted as necessary to ensure the supply remains adequate and secure and water quality standards are met.

#### **6.3.4 RURAL WATER LINES**

Where necessary to address failed private on-site water supply systems, the Municipality may consider extension of the municipal water supply system to service areas outside the settlement areas on a cost recovery basis and subject to the requirements of the Environmental Assessment Act and the approval of the Ministry of

Environment, Conservation & Parks, and the Tri-County Water Management Committee Board.

#### **6.4 SANITARY SEWAGE DISPOSAL**

There are only two municipal sanitary sewage systems within Southwest Middlesex, one serving the Glencoe Urban Area and the other serving the Wardsville Community Area. The municipal sanitary sewage system servicing the Glencoe Urban Area comprises a lagoon-type system located southeast of the settlement area boundary. ~~A recent engineering study confirmed that the system has limited reserve capacity and measures are required to increase its capacity.~~ The municipal sanitary sewage system servicing the Wardsville Community Area is an unconventional shallow-bore system where solids are held in a municipally owned clarifier tank that is located on each individual parcel of land and maintained by the Municipality. The liquid effluent is conveyed to the plant for treatment prior to being released into the Thames River. partial treatment of sewage takes place in-line before it reaches the treatment plant. The reserve capacity of the Wardsville STP was estimated to be in the order of 770 persons or 275 households (based on a conservative average household size of 2.8 persons in 2002.

#### **6.4.1 MANDATORY CONNECTION**

All development within the Glencoe Urban Area and the Wardsville Community Area shall be connected to and serviced by the municipal sanitary sewage system.

#### **6.4.2 IMPROVEMENTS**

Improvements shall be made to the municipal sanitary sewage systems as the need arises to maintain the capacity of the collection and treatment systems to accommodate existing and future development.

#### **6.4.3 EXPANSION**

When 90% of the design capacity of a municipal sanitary sewage system is reached, the process of expanding the plant to meet future needs shall be initiated. Until such time as a commitment is made to expand the plant and the necessary regulatory approvals have been obtained, no further approvals shall be given to developments which require connection to or which otherwise increase the load on the system.

#### **6.4.4 PRIVATE SANITARY SEWAGE SYSTEMS**

Development shall be permitted on private, sanitary waste disposal systems in accordance with the requirements of the Ontario Building Code as administered by the Municipality or, in the case of systems

generating more than 10,000 L/day, in accordance with the requirements of the Ministry of Environment, Conservation and Parks except where connection to a municipal sanitary sewage system is available or otherwise mandatory.

#### **6.4.5 IMPACT ON GROUNDWATER RESOURCES**

Where conditions warrant given the nature or scale of development being proposed, the Municipality, upon consultation with the Ministry of Environment, Conservation and Parks may require the submission of a hydrogeology report to ensure that such development will not adversely impact the groundwater resource and any impact is within the guidelines of the Ministry of Environment, Conservation and Parks. The report shall identify the type and design parameters of the appropriate sanitary sewage system or systems to be utilized. Where situations warrant low nitrate generating systems may be required as a condition of the development being approved.

#### **6.5 ACTIVE TRANSPORTATION**

This Plan recognizes the important role active transportation providing complete, healthy, and sustainable communities. Active transportation is defined as human-powered travel, including but not limited to, walking cycling, inline skating and travel with the use of mobility aids. Mobility aids may include motorized wheelchairs and other power-assisted devices moving at a comparable speed. This Plan supports opportunities for the development of an active transportation network

that promotes physical activity and alternative and more cost effective travel. Development should be designed in a manner that promotes safe, convenient, and attractive active transportation options for pedestrian and cyclists within, and where feasible, between settlement areas.

It is the policy of this Plan to support and encourage the development of sidewalks for pedestrian movement within its settlement areas. It is encouraged that development of both public and private lands for pedestrian and active transportation which are aimed at promoting public health through outdoor activities.

The development of the active transportation network shall have consideration for the recommendations of the Southwest Middlesex Parks & Recreation Master Plan 2021 and the Middlesex County Cycling Strategy.



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## **7 LAND USE AND DEVELOPMENT SENSITIVITY AREAS**

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### **7.1 HAZARDOUS LANDS**

Lands associated with the Thames River, the Sydenham River and their tributaries are hazardous or potentially hazardous to development and a risk to life and property as a result of their susceptibility to flooding, erosion, subsidence, slumping, inundation, the presence of unstable slopes or organic or poorly drained soils. Lands characterized by poor drainage, organic soils and other inherent physical limitations to development may also constitute hazardous lands.

#### **7.1.1 LANDS AFFECTED**

Lands shown as 'Hazardous Land' on Schedule 'F' are based on the mapping of the St. Clair Region Conservation Authority and the Lower Thames Valley Conservation Authority. They include watercourses, valley lands, flood prone lands, steep slopes, wetlands and areas that could interfere with the hydrologic function of wetlands. Their actual limits shall be more precisely determined at the time of development based on the actual regulation limit mapping of the conservation authority having jurisdiction and, if necessary a site inspection and more detailed mapping and supporting technical information provided by the proponent.

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### **7.1.2 USES, BUILDINGS AND STRUCTURES**

While the use of 'Hazardous Land' shall be governed by the policies applying to the applicable under-lying land use designation, it is intended that these lands be maintained free and clear of buildings and structures due to the presence of physical hazards and their potential adverse effects on public safety and loss of property. Buildings and structures are generally prohibited with the exception of those associated with and necessarily located in, or adjacent to, the floodplain (such as flood and erosion control works, bridgeworks and other essential works and facilities). Other restricted activities include construction, placement or removal of fill, alteration of a shoreline and re-grading. Building permits shall not be issued without the necessary permit having first been issued by the conservation authority having jurisdiction.

### **7.1.3 ZONING**

The Zoning By-law shall further regulate development by prohibiting buildings and structures on lands exhibiting hazardous characteristics and incorporating such measures as appropriate setbacks from municipal drains and natural watercourses.

### **7.2 GROUNDWATER SUSCEPTIBILITY AREAS**

Certain areas of the Municipality as shown on Schedule 'G' have been identified by the Middlesex – Elgin Groundwater Study (2004) as being

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of moderate and high susceptibility to groundwater contamination from surface related activity. Development proposals or changes in use in these areas shall be scrutinized in terms of their potential adverse impact on the groundwater and appropriate mitigating measures imposed as a condition of approval.

### **7.3 LANDS ADJACENT TO RAILWAYS**

Southwest Middlesex is traversed by two main rail lines, one under the jurisdiction of CN Rail and the other under the jurisdiction of the CPR. A CN branch line which connects Glencoe to St. Thomas has been virtually abandoned. The main line of CN Rail passes through Glencoe, Pratt Siding and Appin while the main line of the CPR runs through the rural area parallel and to the north of the CN line. ~~The main line owned and operated by CN Rail is classified as a 'Principal Main Line'~~. Noise, vibration and safety measures have been developed by ~~CN Rail~~ the Federation of Canadian Municipalities and the Railway Association of Canada (FCM/RAC Guidelines) to minimize potential safety hazards and land use conflicts between residential development and its railway operations. These measures include minimum setbacks, noise/safety berms, and fencing and building design features or combination thereof and are the most onerous in the case of development adjacent to a ~~'Principal Main Line'~~ 'Rail Facility'.

### **7.3.1 SAFETY MEASURES**

Within a settlement area, minimum setbacks, intervening berms, walls and security fencing, or combination thereof, may be required as a condition of development where residential development is proposed abutting a railway shown on Schedule 'F'. Outside a settlement area, a minimum setback shall be prescribed in the Zoning By-law between a dwelling and a railway sufficient to ensure an adequate measure of safety. Safety berms, walls and fences shall be designed, constructed and maintained in accordance with guidelines established by ~~CN Rail~~ the Federation of Canadian Municipalities and the Railway Association of Canada (FCM/RAC Guidelines) and an agreement with the Municipality. A safety berm shall generally not be required in the case of minor infilling, redevelopment or other instances where it is impractical to install or would not achieve its intended purpose.

### **7.3.2 VIBRATION SENSITIVITY AREAS**

'Vibration Sensitivity Areas' are considered to be those areas proposed for residential development and lying within 75 metres of a railway as shown on Schedule 'F'. Prior to approving a residential development proposal within these areas, the Municipality may require incorporation of vibration attenuation measures in the construction of dwellings or that the proponent engage the services of an engineer knowledgeable in monitoring ground-borne vibration levels to determine the degree of vibration and the mitigation measures to be applied. Where the study identifies a need, attenuation measures shall

be required and designed and implemented to the satisfaction of the Municipality in consultation with the railway company.

### **7.3.3 NOISE SENSITIVITY AREAS**

'Noise Sensitivity Areas' are considered to be those areas proposed for residential development and lying within 300 metres of a railway as shown on Schedule 'F'. Prior to approving a residential development proposal within these areas, the Municipality may require incorporation of noise attenuation measures or that the proponent engage the services of an engineer knowledgeable in acoustics to determine whether noise control measures are required to satisfy the Ministry of Environment's, Conservation and Parks recommended sound level criteria. Where a need is determined, noise reduction measures shall be required and designed and implemented to the satisfaction of the Municipality in consultation with the railway company.

### **7.3.4 WARNINGS**

Where residential development is proposed within 300 metres of a railway, an agreement between the Municipality and the owner/developer shall specify that future purchasers will be advised that, despite the inclusion of noise and vibration control measures within the development, alterations to rail operations may occur which may adversely affect the living environment and enjoyment of neighbouring residents. Where appropriate, such agreements shall provide for a warning clause to be registered on title.

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### **7.3.5 ZONING BY-LAW**

The Zoning By-law may specify minimum setbacks to be maintained between a dwelling and a railway and may include measures designed to minimize vibration and noise impacts associated with railway operations.

### **7.4 LANDFILL SITES AND OTHER CONTAMINATED SITES**

Due to the potential for methane gas, leachate migration, soil degradation and instability in soils on and adjacent to operating and closed landfill sites and other contaminated sites (often referred to as 'brownfield' sites) mitigating measures shall be required to ensure public health and safety. There are two closed landfill sites located in Southwest Middlesex. The 'Limerick' site is located at Lot 23, Concession III of the former twp. of Mosa and the 'Trillium' site is located at Lot 23, Range I North in the former Township of Ekfrid. The latter currently functions as a temporary transfer station and constitutes the Municipality's main landfill site. There are two operating landfill sites (both owned and operated by the Municipality) in Southwest Middlesex, one in Lot 23, Concession III of the former Township of Mosa and the other in Lot 23, Range I North in the former Township of Ekfrid. The latter constitutes the Municipality's main landfill site. Adjacent lands have been acquired by the Municipality for possible future expansion. There is no documented, comprehensive listing of abandoned or closed landfill sites or other 'brownfield' sites in the Municipality.

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#### 7.4.1.1 LANDS ADJACENT TO CLOSED LANDFILL SITES

Development applications must comply with the Ministry of Environment, Conservation, and Parks' requirements for development in proximity to closed landfills.

Within 500 metres of the perimeter of the fill area of an operating landfill site as shown on Schedule 'F' or an abandoned or closed landfill site and potentially beyond 500 metres where hydrological, topographical and soil characteristics suggest, testing for landfill generated gases (e.g. methane), ground and surface water contamination by leachate and contamination discharges (e.g. dust, odour) in accordance with the guidelines of the Ministry of Environment may be required prior to the approval of any development proposal or the issuance of any building permit. Where such proposals are received, the proponent shall be required to consult with the Ministry and undertake whatever studies are necessary to identify any potentially adverse impacts.

#### 7.4.1.2 CLOSED OR ABANDONED LANDFILL SITES

No use shall be made of any closed landfill site for a period of 25 years from which such land ceased to be used as a landfill site without the approval of the Ministry of Environment, Conservation & Parks as stipulated by the Environmental Protection Act.

#### 7.4.1.3 BROWNFIELD SITES

The remediation, conversion, and reuse of brownfield sites shall be strongly encouraged. Development applications shall comply with the brownfield requirements of the Environmental Protection Act and Ministry of Environment, Conservation, and Parks. Prior to approval being given for the use or development of brownfield sites which may result in health or safety risks to the public or future occupants as a result of previous uses or activities, the necessary studies shall be prepared by the proponent to determine the appropriateness of such use or development including any required remedial measures. Where there is a change in use from commercial, industrial or similar type uses to residential, institutional and similar sensitive type uses, a Record of Site Conditions (RSC) prepared by qualified persons in accordance with regulations under the Environmental Protection Act shall be required. Decommissioning and/or remediation of the site may be necessary prior to development. The RSC shall be prepared by the proponent and submitted to the Ministry of Environment and the Municipality. Where the Municipality has reason to believe off-site contamination may result in adverse effects, it shall notify the Ministry of Environment.

#### 7.5 SEWAGE TREATMENT FACILITIES

There are two sewage treatment facilities in Southwest Middlesex, one serving the Glencoe Urban Area and the other serving the Wardsville Community Area. Both are relatively well removed from residential and

other sensitive uses. The Ministry of Environment, Conservation and Parks recommends minimum separation distances be maintained from sewage treatment facilities and sensitive uses to minimize the adverse impact of odour on sensitive uses. The distances vary based on the potential of the particular type of treatment facility to generate obnoxious odours.

### **7.5.1 SENSITIVE USES**

Residential, institutional and other sensitive land uses shall be setback from sewage treatment facilities to minimize any adverse impact from odour generated by these facilities. Minimum separation distances shall be prescribed in the Zoning By-law based on the guidelines of the Ministry of Environment, Conservation and Parks and supporting technical information.

## **7.6 GRAIN HANDLING FACILITIES**

~~There are three commercial grain handling facilities in Southwest Middlesex; namely Orford Co-op in Glencoe, Cargill on the CN railway at Melbourne Road and Glencoe Grain & Seed Co. north of Glencoe on the CPR at County Road No. 80. Due to the nature of these operations, noise and dust impacts are generated which have the potential to affect residential and other sensitive uses.~~

## **7.6.1 COMMERCIAL GRAIN HANDLING FACILITIES SENSITIVE USES**

The Municipality shall discourage any proposals for residential development and other sensitive land uses that may be affected by adverse impacts (i.e. dust, noise) from commercial grain handling facilities which are not otherwise readily mitigated at the source. Prior to approving any residential development proposal within 300 metres of a commercial grain handling facility other than infilling or on an existing lot of record, the Municipality may require the preparation of a noise and dust impact study which identifies the potential for adverse impacts and the extent to which these impacts are capable of being effectively mitigated.

## **7.7 SECONDARY USES ON HYDRO CORRIDOR LANDS**

Second uses, such as active and passive recreation, agriculture, community gardens, other utilities and uses such as parking lots and outdoor storage that are accessory to adjacent land uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of a hydro corridor is for electricity generation facilities and transmission and distribution systems, and that secondary uses require technical approval from Hydro One Networks Inc.

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## **8 GENERAL**

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### **8.1 INTERPRETATION**

#### **8.1.1 UNEXPECTED SITUATIONS**

Where a situation arises not specifically addressed by the policies of this Plan, the general intent and purpose of the Plan shall be determining factors in establishing conformity with the Plan.

#### **8.1.2 SETTLEMENT AREA BOUNDARIES**

The boundaries of settlement areas, in most instances, follow readily definable physical features or lot lines (or half lot lines) and are generally considered absolute.

#### **8.1.3 LAND USE BOUNDARIES**

The boundaries of the land use designations shown on the schedules to this Plan are to be considered approximate. Only where the boundaries are defined by arterial or collector roads,

railways or similar physiographic features shall they be considered absolute.

#### **8.1.4 ACCESSORY USES**

Uses, buildings and structures accessory to a main use are permitted in all land use designations provided they are clearly secondary, subordinate and incidental to the main use and situated on the same lot therewith. They shall be appropriate in scale to the main use of the lot on which they are situated and not adversely affect the peace, enjoyment or character of neighbouring uses or create a nuisance or blight with respect to neighbouring uses. Where such uses would be, or have the potential to be, incompatible with neighbouring uses (e.g. outdoor furnaces, wind towers and radio antennae), they shall not be permitted except in accordance with appropriate provisions being established in the Zoning By-law to mitigate any adverse impacts on neighbouring uses.

#### **8.1.5 NUMERICS**

Numerical figures in this Plan are to be considered approximate. Minor deviations from these figures may be made without the need

for an amendment to the Plan provided the general intent and spirit of this Plan are maintained.

### **8.1.6 REFERENCES TO STATUTES**

Where any Act or portion of any Act is referred to in this Plan, such references shall be interpreted as referring to any and all subsequent amendments or revisions to the Act.

### **8.1.7 TERMINOLOGY**

Unless specified otherwise by this Plan, the definitions contained in the Provincial Policy Statement and Appendix A shall govern the meaning of terms used in this Plan. It is intended that such terms be applied with the degree of generality to which official plans are accustomed except where such terms are derived directly from statutes.

## **8.2 IMPLEMENTATION**

This Plan shall be implemented by the powers conferred upon the Municipality by the Planning Act, the Heritage Act, the Municipal Act and such other statutes as may be applicable from time to time. More particularly, the Plan shall be implemented by the enactment of zoning by-laws, the application of site plan control, the granting of consents, the approval of plans of subdivision and other planning-related approvals under the Planning Act. Community improvement projects, public works and other initiatives shall also be undertaken,

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as the need arises and resources permit, to achieve the goals and objectives of the Plan.

### **8.2.1 REVIEW OF EXISTING BY-LAWS**

Upon adoption of this Plan, the Municipality shall review all existing by-laws governing or affecting the use of land and the erection, alteration and demolition of buildings and structures. Where necessary, the Municipality shall amend these by-laws or adopt new by-laws as may be required to ensure they are in conformity with the Plan.

### **8.2.2 AMENDMENTS AND REVIEW**

#### **8.2.2.1 WHEN CONSIDERED**

Amendments to the Plan shall be considered in response to changing circumstances within or affecting the Municipality; changes in policy, legislation and guidelines of other levels of government which may have a bearing on existing uses or the future development of the Municipality and in response to specific applications by landowners and developers.

#### **8.2.2.2 SETTLEMENT AREA EXPANSION**

Expansion to the boundary of a settlement area shall require an amendment to the Plan and shall be in accordance with a comprehensive review as set out in the Provincial Policy Statement.

~~Insufficient opportunities for growth through intensification, redevelopment and new development to accommodate projected needs over the planning period shall be demonstrated, and only where it has been demonstrated that:~~

- a) ~~Sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment, and designated growth areas to accommodate the projected needs over the planning horizon;~~
- b) ~~the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;~~
- c) ~~In prime agricultural areas:~~
  - i) ~~the lands do not compromise specialty crop areas;~~
  - ii) ~~there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;~~
  - iii) ~~the new or expanding settlement areas are in compliance with Minimum Distance Separation formulae;~~

- d) ~~impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement are mitigated to the extent feasible.~~

### **8.2.2.3 SETTLEMENT AREA BOUNDARY**

~~Notwithstanding the policies in Section 8.2.2.2, adjustments to the settlement area boundaries may be permitted outside a comprehensive review provided:~~

- a) ~~there would be no net increase in land within the settlement areas;~~
- b) ~~the adjustment would support the municipality's ability to meet intensification and redevelopment targets established by the Municipality;~~
- c) ~~prime agricultural areas are addressed in accordance with the policies in Section 8.2.2.2 c), d), and e); and~~
- d) ~~the settlement area to which the lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.~~

### **8.2.2.4 CONVERSION OF EMPLOYMENT LANDS**

~~Where lands are designated for industrial, commercial or other employment purposes and are proposed to be converted to non-~~



employment purposes, an amendment to the Plan in accordance with a comprehensive review as set out in the Provincial Policy Statement shall be required. The lands shall not be required for employment purposes over the long term and the need for the conversion shall be justified. The conversion of employment areas to a designation that permits non-employment uses by means of an amendment to the Plan may be permitted outside a comprehensive review provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the employment area; and
- c) the site proposed for conversion offers limited market choice for employment development due to size, configuration, or physical conditions;
- d) the site proposed for conversion does not possess the potential of being included in a future expansion of existing or neighbouring employment lands;

#### **8.2.2.5 WHEN NOT REQUIRED**

Amendments to the Plan shall not be required in order to make minor adjustments to the boundaries of land use designations and the location of roads provided the general intent and spirit of the Plan is maintained. Such adjustments need not be reflected on the schedules.

#### **8.2.2.6 ADDITIONAL INFORMATION REQUIRED**

~~Where a person or public body requests an amendment to the Plan, the Municipality may require additional information that it considers it may need to make a decision on the request over and above what is required by the Planning Act and its accompanying regulations.~~

#### **8.2.2.7 OFFICIAL PLAN REVIEW**

The Municipality shall, prior to five years from the date of adoption of the Plan, convene at least one meeting of Council in accordance with the Planning Act for the purpose of determining the need for any amendments or revisions to the Plan. A comprehensive review shall be undertaken towards the end of the planning period unless circumstances warrant an earlier review

### **8.2.3 PLANS OF SUBDIVISION/CONDOMINIUM**

#### **8.2.3.1 GENERAL CRITERIA**

Approval of a plan of subdivision or condominium by the Municipality shall be subject to the following criteria being satisfied:

- a) The applicable land use designation and policies of this Plan and the County Plan,
- b) The requirements of the Planning Act,
- c) The entering into of a subdivider's/condominium agreement with the Municipality,
- d) The posting of sufficient financial security to ensure the protection of the Municipality.

#### **8.2.3.2 PART LOT CONTROL**

Where land lies within a registered plan of subdivision, the Municipality may consider the adoption of a part lot control by-law to create new lots in accordance with the Planning Act where it is satisfied that any conditions appropriate to the creation and development of such lots are capable of being implemented.

#### **8.2.3.3 DEEMING**

The Municipality may deem plans of subdivision (or parts thereof) more than eight years of age not to be plans of subdivision within

the meaning of the Planning Act where development of such plans would not be in conformity with this Plan or the Zoning By-law and where development would be detrimental to the Municipality or neighbouring uses.

### **8.2.4 CONSENTS**

#### **8.2.4.1 LOT CREATION**

The creation of lots by land severance or consent shall be considered in accordance with the following:

- a) Lots shall be created by severance where the number of new lots being created does not exceed three and may be considered where the number of lots being created does not exceed five provided a plan of subdivision is not considered necessary to ensure proper and orderly development. Proposals to create more than five lots shall only be permitted by plan of subdivision. Generally, a plan of subdivision shall not be considered necessary where the lots being created front on an open public road, no undue extension or improvement of services is required, and there exists no other lands under the same ownership abutting the lots proposed to be created and designated for the same type of development;

- b) Whether the proposed use and severance is in conformity with the policies and land use designations of this Plan and the County Plan;
- c) Whether the requirements of the Planning Act are satisfied;
- d) The effect of any relevant matters of provincial interest as declared by the Planning Act;
- e) The input received from the County of Middlesex and other public bodies and agencies;
- f) Issues arising out of the above evaluation may be addressed through conditions imposed to the granting of the severance, including entering into an agreement between the Municipality and the owner, pursuant to the Planning Act.

#### **8.2.4.2 CASH-IN-LIEU OF PARKLAND**

As the amount of land the Municipality is entitled to as parkland arising out of consent for residential, commercial or industrial purposes would, in virtually all cases, be impractical for park purposes, the Municipality shall require cash-in-lieu as a condition of consent being granted in accordance with the provisions of the Planning Act.

#### **8.2.4.3 ADJUSTING AND CORRECTING LOT BOUNDARIES**

The granting of a severance for purposes of adjusting or correcting lot boundaries or to convey a relatively modest amount of land to an abutting lot shall only be permitted provided:

- a) the conveyance does not lead to the creation of an undersized, irregularly shaped lot(s) unsuited to the purpose for which it is being used or proposed to be used, or contrary to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted;
- b) the lands being conveyed are registered in the same name and title as the lands to which they are being added;
- c) it is stipulated in the granting of the severance that any subsequent conveyance or transaction shall require a future severance.

#### **8.2.4.4 CONSENTS FOR MORTGAGE PURPOSES**

A consent shall only be granted for mortgage purposes where it is capable of satisfying the appropriate policies of this Plan and the appropriate provisions of the Zoning By-law with respect to the use to which the lands would be put and the dimensions and size of the parcel if the mortgage is foreclosed and a separate lot created.

#### **8.2.4.5 CONSENTS FOR EASEMENTS**

Consents may be granted for easement purposes where the use of land is being conveyed for periods in excess of 21 years.

#### **8.2.4.6 CANCELLING OF A CONSENT APPLICATION**

##### **ADDITIONAL INFORMATION REQUIRED**

~~Where a person or public body applies for a consent, the Municipality may require additional information that it considers it may need to make a decision on the request over and above what is required by the Planning Act and its accompanying regulations.~~

~~When considering a request for the cancellation of a certificate of consent, Council shall have regard for the policies of this plan and the regulations of the Zoning By-law.~~

#### **8.2.5 ZONING BY-LAW**

##### **8.2.5.1 INTENT**

The Municipality shall adopt and thereafter maintain a new comprehensive Zoning By-law in conformity with the land use designations and policies of this Plan and to establish appropriate regulations to control the use of land and the character, location, and use of buildings and structures in accordance with the Planning Act. ~~The Zoning By-law shall replace the comprehensive zoning by-laws inherited by the Municipality upon amalgamation of its formerly~~

~~separate municipalities. The zoning of lands under these by-laws and variances granted to them may remain in effect notwithstanding they may not be in conformity with this Plan.~~

##### **8.2.5.2 SCOPE AND CONTENT**

The Zoning By-law shall prescribe a number of land use zones and appropriate standards with respect to such matters as lot frontage, lot area, setback, coverage, height, density, minimum separation distances and parking. Different zones shall be established, as required, to maintain land use compatibility and to regulate the range of uses in specific areas. Large undeveloped areas may be placed in a 'holding' type zone until such time as market conditions warrant and the nature of development has been determined. Alternatively, where the nature of development has been determined but conditions governing development have yet to be satisfied, the lands may be zoned for a specific purpose in accordance with the holding provisions of the Planning Act and the relevant provisions of this Plan until such time conditions are appropriate to permit development are satisfied.

##### **8.2.5.3 CONDITIONAL ZONING**

In permitting the use of land or the location, erection or use of any building or structure the Municipality may impose one or more conditions subject to the limitations prescribed by the Planning Act. Where conditions are imposed, the Municipality may further require

the owner to enter an agreement with the Municipality relating to the conditions and require such agreement to be registered against the lands to which it applies.

#### **8.2.5.4 CONFORMING USES**

Some existing uses of land may not satisfy the land use designations and policies of this Plan. To prevent undue hardship, these uses may be zoned as conforming uses in the Zoning By-law provided:

- a) The use does not constitute a danger, nuisance, or a blight with respect to neighbouring uses by virtue of its characteristics or the traffic which it generates;
- b) Any extension or enlargement of the use shall not be permitted if such extension or enlargement would be detrimental to neighbouring uses;
- c) Any change of use is compatible with the quality and character of neighbouring uses;
- d) Where a building or structure associated with any such use is located on lands subject to natural hazards, any reconstruction, extension or enlargement of the building or structure shall comply with the relevant policies of this Plan.

#### **8.2.5.5 NON-CONFORMING USES**

Existing uses of land which do not satisfy the requirements of Section 8.2.5.4 shall not be recognized as conforming uses in the Zoning By-law. While it is the intent of this Plan that such uses cease to exist in the long run, it may be desirable to permit their extension or enlargement or their conversion to a new use. In these circumstances, permission to extend or enlarge these non-conforming uses shall be considered by the Committee of Adjustment or Council in accordance with the provisions of the Planning Act based on the following considerations:

- a) There is a compelling reason to warrant an extension or enlargement of the use;
- b) The change in use is similar to the existing non-conforming use or is more compatible with neighbouring uses than the existing non-conforming use;
- c) The proposed extension or enlargement shall not unduly aggravate the situation created by the existence of the use particularly in regard to neighbouring uses, the policies of this Plan and the regulations of the Zoning By-law;
- d) The proposed extension or enlargement is in appropriate proportion to the size of the non-conforming use as it existed on the date of passing of the Zoning By-law;

- e) The characteristics of the non-conforming use and the proposed extension or enlargement with regard to noise, vibration, fumes, smoke, dust, odour, lighting or traffic generation shall not add significantly to the incompatibility of the use with the surrounding area;
- f) Neighbouring uses shall be protected, where deemed necessary, by landscaping; buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and by regulations for alleviating adverse impacts caused by outside storage, lighting, signs and other similar devices. Such provisions and regulations shall be applied as conditions to the proposed extension or enlargement and may also be extended to the established use in order to improve its compatibility with the surrounding area;
- g) Traffic and parking conditions in the vicinity shall not be adversely affected. Traffic hazards shall be kept to a minimum by the appropriate design of ingress and egress points to and from the site. Improvement of sight conditions especially in proximity to traffic intersections may be required;
- h) Adequate provisions shall be made for parking and loading facilities where deemed necessary or desirable;

- i) Existing or proposed services and utilities shall be adequate or be made adequate.

#### **8.2.5.6 UNDEVELOPED LANDS**

Where the specific nature of development has not been ascertained for vacant lands designated for development, the lands may be restricted to their existing use and placed in a future development type zone in the Zoning By-law until such time as conditions and circumstances are appropriate for development to take place.

#### **8.2.5.7 USE OF THE HOLDING (H) SYMBOL**

Where the specific nature of development has been ascertained for vacant lands designated for development but the requirements of this Plan have yet to be satisfied, the lands may be zoned for the intended use in conjunction with the holding symbol ('H'). The 'H' symbol shall generally be used to prevent or limit the use of land in order to achieve orderly, phased development and to ensure that the servicing and other requirements of this Plan have been met. Removal of the 'H' symbol shall not take place until the following conditions have been satisfied:

- a) a specific plan has been submitted to and approved by the Municipality;
- b) the relevant policies of this Plan are satisfied with respect to the use or development being proposed;

- c) services and utilities have been demonstrated to have sufficient capacity and are available to service the proposed development;
- d) a plan of subdivision, where appropriate, has been submitted and has received final plan approval;
- e) a satisfactory agreement, where deemed necessary, has been entered into with the Municipality.
- u) In the interim and until such time as the 'H' symbol is removed, the Zoning By-law may permit uses, buildings and structures and those uses which are compatible with neighbouring uses, which would not compromise the ultimate and desirable development of the lands and which are in conformity with this Plan. The Zoning By-law may also prescribe regulations allowing enlargement of existing buildings and the erection or extension of accessory buildings and structures.

#### **8.2.5.8 MINOR VARIANCES**

Applications for minor variances to the Zoning By-law shall be evaluated by the Committee of Adjustment in accordance with the following:

- a) whether the variance is minor;
- b) whether the general intent and purpose of this Plan and the County Plan is maintained;

- c) whether the general intent and purpose of the Zoning By-law are maintained;
- d) whether the variance is desirable for the appropriate use and development of the lands and neighbouring lands;
- e) whether compliance with the Zoning By-law would be unreasonable, undesirable or would impose undue hardship;
- f) whether the variance would result in a substantial detriment, hazard or nuisance that would detract from enjoyment, character or use of neighbouring lands.
- g) In granting applications for minor variances, conditions may be imposed where the Committee deems it advisable to ensure the intent of the above-noted criteria are satisfied or will be satisfied.

#### **8.2.5.9 ADDITIONAL INFORMATION REQUIRED**

~~Where a person or public body requests an amendment to the Zoning By-law, the Municipality may require additional information that it considers it may need to make a decision on the request over and above what is required by the Planning Act and its accompanying regulations.~~

## **8.2.6 TEMPORARY USE BY-LAWS**

### **8.2.6.1 USE AND SCOPE**

The temporary use of land, buildings and structures may be authorized by the Municipality through a temporary use by-law adopted in accordance with the Planning Act. Such uses may be permitted in all land use designations with the exception of lands designated as 'Natural Heritage Features' without an amendment to this Plan. The temporary use by-law shall describe the area affected and specify the duration for which the use permitted by the by-law will be allowed.

### **8.2.6.2 CRITERIA**

In consideration of a by-law to permit the temporary use of land, the Municipality shall have regard to the following:

- a) proposed buildings and structures and changes to the lands affected;
- b) existence of adequate and approved services where required;
- c) satisfactory and approved vehicular access to a public road of reasonable construction and maintenance to permit year round access;
- d) compatibility with adjacent and surrounding uses;

- e) effect on possible and probable future uses in the immediate area;
- f) land use and development sensitivity areas as set out in this Plan;
- g) satisfactory assurances that the land will be returned to its previous state and all buildings and structures removed (where deemed appropriate) upon the lapsing of the period stipulated in the by-law or upon the lapsing of any extension period that may be granted.

## **8.2.7 INTERIM CONTROL BY-LAWS**

Where the Municipality has directed that a review or study be undertaken in respect of the land use planning policies for any area in the Municipality, the Municipality may adopt an interim control by-law to prevent the potentially inappropriate development or use of land pursuant to the Planning Act. The by-law shall specify a time period (not to exceed one year) for prohibiting the use of land, buildings or structures for, or except for, such purposes as are set out in the by-law.

## **8.2.8 DELEGATION OF MINOR ZONING BY-LAW AMENDMENTS**

Council may, by by-law, delegate its authority to pass by-laws under Section 34 of the Planning Act that are of a minor nature to a



committee of Council or to an individual who is an officer, employee or agent of the Municipality.

The following are considered by-laws under Section 34 of the Planning Act that are of a minor nature:

1) A by-law to remove a holding symbol;

2) A by-law to authorize the temporary use of land, buildigns, or structures;

3) An amending by-law under Subsection 34(10) of the Planning Act to permit the extension or enlargement of any land, building or structure that lawfully existed on the day that the Zoning By-law was passed, provided that such land, building or structure continues to be used in the same manner and for the same purpose; and

4) A by-law to which Section 43 of the Planning Act applies.

## **8.2.9 SITE PLAN CONTROL**

### **8.2.9.1 SCOPE**

To ensure a high standard of development and to provide appropriate protection to adjacent uses, the entire Municipality shall be deemed to be a site plan control area. Within this area, development as defined by the Planning Act shall be subject to site plan control, with the exception of low-density residential uses and

most agricultural uses. A site plan control by-law shall be adopted by the Municipality which specifies the lands and type of development for which site plan approval shall be required. The Municipality shall, as a condition of site plan approval, require the design of facilities having regard for accessibility for persons with disabilities in accordance with the Planning Act.

### **8.2.9.2 SITE PLAN**

Where site plan control applies, a site plan shall be submitted, satisfactory to the Municipality, describing the proposed development and showing the location of all buildings and structures, ingress and egress, parking areas and loading areas, landscaping, grading and drainage, external lighting, access for persons with physical disabilities, and buffering and other measures to protect adjacent lands. The location of any required water well and private sanitary waste disposal system shall also be shown on the site plan.

### **8.2.9.3 BUILDING DRAWINGS**

The submission of drawings showing plan, elevation and cross-section views for new buildings, including residential buildings containing more than three dwelling units shall be required in areas which are subject to site plan control.

#### **8.2.9.4 EXTERNAL DESIGN**

Drawings showing plan, elevation and cross-section views sufficient in detail to illustrate the external design (i.e. character, scale, appearance, features and similar features) of a proposed building or building addition shall be submitted for non-residential buildings and for residential buildings containing more than three dwelling units in areas specifically designated for such purposes by this Plan.

#### **8.2.9.5 STREETScape ELEMENTS**

On any adjoining street or highway, plans may also be required showing plantings, paving materials, sidewalks, street furniture, curb ramps and similar elements adjacent to the development.

#### **8.2.9.6 LAND DEDICATIONS FOR ROAD WIDENING**

As a condition of site plan approval, the owner may be required to dedicate lands to the County of Middlesex or the Municipality of Southwest Middlesex, as the case may be, for road widening purposes in accordance with Table 1 of this Plan.

#### **8.2.9.7 SITE PLAN AGREEMENT**

A site plan agreement pursuant to the Planning Act shall be required in most instances. Where development is proposed adjacent to a County Road, the Municipality shall request the comments of the County of Middlesex prior to execution of the site plan agreement.

#### **8.2.9.8 SITE PLAN GUIDELINES**

The Municipality may prepare and adopt guidelines to assist proponents in obtaining site plan approval.

#### **8.2.10 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS**

The Municipality may prepare and adopt by-laws to ensure minimum standards of property maintenance and occupancy to protect public health, safety and welfare; to eliminate or avoid unsightly appearances and unsafe conditions with respect to buildings and lands and to protect neighbouring properties and businesses. These by-laws may take the form of property maintenance and occupancy standards adopted under the Building Code Act or the clearing and cleaning of land (sometimes referred to as 'untidy yard' by-laws) adopted under the Municipal Act.

#### **8.2.11 DEVELOPMENT CHARGES BY-LAW**

As a contribution towards the growth-related capital costs incurred or likely to be incurred by the Municipality as a result of new development taking place, the Municipality may levy a development charge against such development. The amount of the levy, the type of development it applies to, the method of calculation and the scheduling of payments shall be prescribed by by-law adopted in accordance with the Development Charges Act.

### **8.2.12 PUBLIC CONSULTATION**

While the Municipality shall at all times comply with the minimum requirements of the Planning Act for informing the public of matters requiring approval under the Act, the Municipality may take additional measures to increase public awareness, to inform the public of emerging planning issues, to facilitate access to planning-related information and to convene non-statutory public meetings/forums when considerable public interest or concern is apparent.

### **8.2.13 PRE-CONSULTATION**

Prior to filing applications for an Official Plan and/or Zoning By-law amendment, plan of subdivision or condominium, consent, minor variance or permission, or site plan control, the proponent shall arrange a pre-consultation meeting with the Municipality to review the application and identify any additional information required. The Municipality may pass a by-law requiring applicants to consult with the Municipality in accordance with the Planning Act. Other agencies, such as the Conservation Authority, may participate in the pre-consultation process, where appropriate.

### **8.2.14 COMPLETE APPLICATIONS**

Municipal Council and its delegated approval authorities may require may require that a person or public body who applies for

amendments to the Official Plan, amendments to the Zoning By-law, site plan approval, plans of subdivision (including condominiums), and consents, provide any “other information or material” that Municipal Council or the approval authority considers it may need to appropriately evaluate the application. The following list of reports and studies is provided to assist in identifying typical requirements that may be necessary to support a planning application, which may include but is not limited to:

- Archaeological Assessment
- Conceptual Stormwater Management Plan
- Heritage Impact Assessment
- Development Assessment Report (DAR)
- Geotechnical Report
- Hydrogeological Report
- Land Use Compatibility
- Landscape Plan
- Market Impact Assessment
- Natural Hazards Analysis
- Noise Study
- Odours, Dust, and Nuisance Impacts
- Planning Justification Report
- Record of Site Condition (RSC)
- Servicing Report
- Stormwater Management Report/Study

- Topographic Survey
- Traffic Impact Study
- Tree Survey and Preservation Plan
- Urban Design Brief
- Vibration Analysis

Notwithstanding the identified studies listed above, Municipal Council and its delegated approval authorities may require additional reports and studies during the planning process it considers appropriate and necessary to evaluate a planning application.

All reports and studies shall be prepared by qualified professionals to the satisfaction of the Municipality and, where appropriate, in consultation with relevant agencies.

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## APPENDIX A – GLOSSARY OF TERMS

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- Class Environmental Assessment: A Class Environmental Assessment (EA) is a type of study conducted in accordance with the Environmental Assessment Act for public projects that are carried out routinely and that typically have predictable and mitigatable environmental effects such as highway construction, sewage works, extension of major watermains and sanitary sewage mains. Class EA's characteristically include a comprehensive evaluation of potential impacts on the natural and social environment which includes impacts to plants, animals and soils as well as traffic, residents, and businesses. The Class EA process requires public notification and opportunities for public involvement.
- Development Assessment Report: Under the County of Middlesex Official Plan a Development Assessment Report (DAR) is required where a proposed development is within, or on lands adjacent to, a natural heritage features. DAR's normally include a description of the proposed development, a description of the surrounding natural features, identification of potential impacts, identification and recommendation of mitigation measures, and demonstration of the consistency of the proposed development with the Provincial Policy Statement (PPS).

- Easement: An easement is a right granted to a person to use the land owned by another person for a specific limited purpose. Common examples of easements include utility lines and means of access to and from properties. Easements designed to be in effect for a period greater than 21 years require approval by the Municipality under the provisions of the Planning Act.
- Granny Flat: A granny flat is generally a small dwelling, usually designed to be portable, situated on a lot as a secondary residence for the parents of the owners/occupants of the main dwelling on the lot. Under the Planning Act in Ontario, they are officially known as “garden suites” and are defined as a one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. A municipality may permit a “garden suite” by by-law for a period not exceeding ~~10~~ 20 years under the Act.
- Infilling: Infilling refers to a form of development which make use of underutilized, vacant, or undeveloped lands that are surrounded or partially surrounded by existing development.
- Land Use Compatibility: Land use compatibility refers to the capability of a neighbouring land uses to be established and maintained on a long-term basis without negatively impacting each other. Measures such as zoning, site plan control and minimum distance separation (MDS) requirements are utilized to ensure land

use compatibility by requiring adequate separation and/or buffering features between potentially conflicting uses.

- Lifestyle Communities: Lifestyle communities refer to planned and contained residential developments that provide a range of amenities and services consistent with the needs and desires of the residents which have similarities with respect to age, income, household size and occupation.

- Minor Variance: A minor variance is a type of planning approval that alters or varies the permitted uses or standards applying to a parcel of land by the zoning by-law. Minor variances are normally granted when it has been demonstrated that all other requirements of the zoning by-law can be satisfied and that the need for the variance is created by circumstances peculiar to the respective land, buildings, structures or use. Under the Planning Act, for a minor variance to be granted, it must be minor, it must be desirable for the appropriate use of the land, building or structure and it must maintain the general intent and purpose of the official plan and zoning by-law. Minor is not measured in arithmetic terms but in the context of the situation at hand.

- Rail Facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

- Sensitive Land Uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.