

# OFFICIAL PLAN OF THE



# TOWNSHIP OF MALAHIDE

Adopted – August 16<sup>th</sup>, 2001

Approved – March 9<sup>th</sup>, 2003

Five Year Review Approved – September 25<sup>th</sup>, 2013

Five Year Review Approved – May 24<sup>th</sup>, 2022

OFFICE CONSOLIDATION - January, 2023



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## **Preface**

The current Official Plan of the Township of Malahide was adopted by the Municipal Council on August 16<sup>th</sup>, 2001 and replaces the Official Plan of the Township of Malahide, the Official Plan of the Township of South Dorchester, and the Official Plan of the Village of Springfield.

The Ministry of Municipal Affairs and Housing approved the Official Plan of the Township of Malahide without appeal on March 9<sup>th</sup>, 2003.

The Township undertook a Five-Year Review in 2008, which resulted in amendments that were adopted as Official Plan Amendment No. 11 by Council on August 9<sup>th</sup>, 2012 and approved by the Ministry of Municipal Affairs and Housing on September 25<sup>th</sup>, 2013. The Minister's approval certificate and a list of the Minister's Modifications to the Plan are on file in the Office of the Township of Malahide for review during normal business hours.

The Township initiated a Comprehensive Review and Five-Year Update (Official Plan Amendment No. 20) in 2018. On May 24, 2022 Elgin County Council approved as modified Official Plan Amendment No. 20 to the Official Plan of the Township of Malahide, as adopted by Township By-law No. 21-95 on December 16, 2021.

The County's approval of Official Plan Amendment No. 20 is also on file in the Office of the Township of Malahide for review during normal business hours.

Allison Adams,  
Manager of Legislative Services/Clerk

**TABLE OF AMENDMENTS TO THE  
TOWNSHIP OF MALAHIDE OFFICIAL PLAN  
INCLUDED IN THIS CONSOLIDATION**

Consolidated  
January 2023

**This table represents an ongoing consolidation of all amendments to the Official Plan of the Township of Malahide, as found herein. It should not be construed as part of the Official Plan document, and is solely to be used for assistance with this document.**

OPA #	Applicant	Text Change	Page #	Map Change	Schedule	Date Passed by Council	Date Approved by MMAH/ County of Elgin
1	Vanderwyst	✓	4-6	✓	A	May 1, 2003	July 29, 2003
2	Row	✓	4-6	-	-	May 15, 2003	February 2, 2004
3	Goris	✓	4-6	✓	A	May 15, 2003	Withdrawn – Nov. 2005
4	Plaquet	✓	4-6	✓	A	October 16, 2003	January 23, 2004
5	AIM PowerGen	✓		-	-	March 25, 2004	May 21, 2004
6	Craik Lumber			✓	B	August 4, 2005	October 24, 2005
7	Wagler	✓	4-6	✓	A	August 18, 2005	June 12, 2006
8	Township (Energy)	✓		-	-	May 18, 2006	
9	Wingate Lodge	-	-	✓	C	May 6, 2010	Sept 15, 2010
10	South Works	✓	4-10	✓	A		
10	J.G. Walker Land & Cattle Company Inc.	✓		-	-	May 1, 2014	Sept 9, 2014
11	Five Year Review	✓	various	✓	all	August 9, 2012	Sept 25, 2013
12	Old Colony Mennonite Cemetery	✓		✓	A1	August 6, 2015	Sept 22, 2015
13	Aylmer Cemetery Board	✓		✓	A1	Feb 5, 2015	August 6, 2015
14	Community Improvement Plans	✓		-	A1 & B	Sept 3, 2015	Nov 17, 2015
15	1841591 Ontario Inc.	✓		✓	A1	Dec 20, 2018	Feb 12, 2019
16	Industrial Lands – Hacienda Road	✓		✓	A1	Jan 10, 2019	March 12, 2019
17	MacVicar	✓		-	-	Nov 7, 2019	Dec 12, 2019
18	Penner	✓		✓	A1	Feb 6, 2020	March 10, 2020
19	1111944 Ontario Ltd. - Creative Enterprises	✓		✓	A1	Dec 17, 2020	February 26, 2021
20	Comp. Review and Five-Year Update	✓	various	✓	all	Dec 16, 2021	May 24, 2022

**Note: Blank rows in this chart indicate that the amendment is not yet in force; its status can be determined by contacting the Municipal Office at (519) 773-5344**

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# 1 INTRODUCTION TO THE PLAN

## 1.1 Background

The Township of Malahide occupies 393 km<sup>2</sup> on the north shore of Lake Erie in the eastern half of Elgin County. The Township came into existence in 1998 as an amalgamation of the three separate municipalities formerly known as the Township of Malahide, the Township of South Dorchester, and the Village of Springfield. The combined population of the three municipalities in 1997 was 8,039. The projected population for the Township by the year 2029 is 10604 based on extrapolation of fairly consistent historical growth rates.

Prior to 1983 the three municipalities were members of the East Elgin Planning Area as defined by the Treasurer of Ontario in 1973, which also included the Township of Bayham and the Villages of Vienna and Port Burwell. The East Elgin Official Plan was approved by the Minister of Housing in 1976 and provided the first set of comprehensive community planning policies for these municipalities. Upon the coming into force of the Planning Act, 1983, the East Elgin Planning Area ceased to exist. Eventually all six of the municipalities adopted their own Official Plans.

Several of the amendments to the East Elgin Official Plan were necessitated by changing circumstances and development pressures in the six municipalities. In Malahide Township for example, the 1985 target population established by the East Elgin Official Plan was exceeded by 1978. Stronger than expected demand for non-farm rural residential property, and serious floodwater problems in the hamlet of Port Bruce also tested the effectiveness of the East Elgin Official Plan as it applied to Malahide Township. The Village of Springfield, the Township of South Dorchester and the Township of Malahide prepared individual Official Plans which were approved in the late 1980's. Varying development pressures, physical infrastructural capacities, and municipal amalgamation, coupled with changes in planning policy guidelines established by the Province of Ontario, have combined to underline the need for a revised set of planning policies for the amalgamated Township of Malahide.

The policies and land use designations included in this Official Plan have been prepared to guide development in the Township of Malahide for the twenty-year period between 2009 and 2029. In addition, every five years, the policies of the Official Plan should be reviewed for their effectiveness and future utility. Background data should also be updated at this point.

For the most part, this Official Plan emphasizes that the predominant use of land in the Township will be related to agricultural activities. Several policies have been incorporated in the Official Plan for the specific purpose of preserving highly productive farmland for agricultural purposes.

The Official Plan has also identified lands which would be the most appropriate for non-farm development. These lands are adjacent to existing built-up areas and are designated as settlement areas for varying levels of growth and development. In all cases historical communities and local urban areas have been identified and recognized as settlement areas in this Official Plan.

## **1.2 Purpose of the Plan**

The purpose of the “Official Plan of the Township of Malahide” is to provide policy direction to Township Council and the general public on matters related to land use, development and redevelopment in the Township. To this general purpose the Official Plan is intended:

- a) to ensure that future development and redevelopment in the Township of Malahide occurs in an orderly and controlled manner in accordance with principles of good planning;
- b) to recognize, encourage and support the agricultural industry as the primary economic activity in the Township of Malahide;
- c) to provide a policy framework which encourages the preservation and utilization of prime agricultural lands for agricultural production;
- d) to provide a policy framework for the evaluation of development proposals in existing urban areas;
- e) to bring local planning policies into conformity with the broader planning policies and guidelines issued and revised from time to time by the Province of Ontario;
- f) to provide community improvement goals, objectives and implementation policies which will contribute to the stabilization, preservation and improvement of existing and viable residential, commercial, industrial and recreational areas in the Township of Malahide;
- g) to designate major land use categories and areas which reflect the probable future needs and demands on land and resources in the Township of Malahide;
- h) to maintain and strengthen the existing pattern of identifiable communities and the agricultural character of the Township;
- i) to streamline the local planning process and to make the process more accessible and understandable to the general public;
- j) to provide the basis for the preparation of comprehensive zoning by-laws regulating the use of land and the type, size and location of buildings and structures;
- k) to protect and preserve properties, structures and buildings of historical, cultural and architectural significance;
- l) to protect and preserve the natural heritage features and areas of the Township of Malahide and their ecological functions;
- m) to promote and secure the health, safety, convenience, welfare and quality of life of residents and visitors;
- n) to promote and facilitate the expansion and diversification of the economy and tax base in the Township;
- o) to qualify the Township for various programs funded by senior levels of government which will allow the Township to attain its social and economic priorities;
- p) to provide a base for programming the expansion and upgrading of municipal services that recognizes the Township’s financial capabilities and prevents development which would require disproportionately costly public services because of the location or type of use;
- q) to inform residents of the Township of the policies which affect the physical development of

- land in the Township;
- r) to ensure that land use conflicts are avoided and the natural and man-made environments are protected;
- s) to ensure that the Township's resources are protected and used in a sustainable manner;
- t) to provide a policy framework for creating a socially, culturally, economically, and environmentally sustainable community;
- u) to provide protection for the Township's ground and surface water resources; and
- v) to provide direction on the review of generation and transmission of energy-related facilities.

### **1.3 Basis of the Plan**

The "Official Plan of the Township of Malahide" is based in part on background studies which consider population and growth projections in the context of existing and emerging settlement areas in the amalgamated Township. The orientation and policy emphasis of this Official Plan is also based on the Township's experience in the administration of a comprehensive community planning program since 1980 and on the Provincial Policy Statement published by the Province of Ontario. Among these are policies relating to the delineation of floodlines, the designation of aggregate resource areas, community improvement strategies, and, the preservation of productive agricultural land resources.

All of the aforementioned policies have influenced the preparation of this Plan. Policies relating to floodplain and floodline delineation were developed for the Village of Springfield and the Village of Port Bruce based on guidelines provided by the Ontario Ministry of Natural Resources and the Catfish Creek Conservation Authority. The aggregate resource areas designation is carried forward from the previous Official Plan, while the community improvement policies forming Section 6.0 of this Plan were developed from guidelines provided by the Ministry of Municipal Affairs and Housing. In addition to the natural and cultural heritage policies of this Plan were developed from guidelines provided by the Ministry of Natural Resources.

Central to the Official Plan, however, are the agricultural and urban land use policies which are based on the Provincial Policy Statement developed by the Ontario Ministry of Municipal Affairs and Housing and in effect at the date of adoption of this Plan. The Provincial Policy Statement provides "direction on matters of provincial interest related to land use planning". The policy statement is of significance to the Township of Malahide, and as such, they have been used to determine the need for designating additional urban land for development in the Township. The preservation of highly productive agricultural lands for agricultural use and the accommodation of non-farm development on lands within designated areas are the key policy issues of this Official Plan.

Words or phrases which appear in *italic* type in the text of the Official Plan are more specifically defined in the Provincial Policy Statement which also appears as Appendix 3 - Glossary of Terms in the Background Study to the Official Plan of the Township of Malahide. Reference to the 2005 Provincial Policy Statement will assist in the interpretation of this Official Plan.



Where the term “sustainable” or “sustainability” is used in this Plan, it shall mean actions, decisions, and development that consider environmental, economic, social, and cultural issues in a manner that meets the needs of the present, without compromising the ability of future generations to meet their needs.

#### **1.4 Goals of the Plan**

Based on the considerations discussed above, the background research appended to this Plan, and considerable input provided by Township Council, the following goals have been developed to give direction in the implementation of the policies of this Official Plan:

- a) To minimize land use conflicts in all areas of the Township while accommodating, wherever possible, the various demands for land and resources as they arise.
- b) To maintain the environmental character of the Township.
- c) To place a high priority on maintaining or initiating agricultural production on high quality agricultural lands.
- d) To encourage the growth of agriculturally-related industries which are compatible with and beneficial to the primary agricultural economy of the Township.
- e) To guide the allocation and utilization of the Township’s natural resources so as to maximize benefits to Township residents.
- f) To stabilize, preserve and improve existing and viable residential, recreational and commercial areas in the Township.
- g) To encourage public awareness and input in the local planning process.
- h) To develop, redevelop and improve the Township in a manner which preserves the environment of the Township as desired by its residents.
- i) To provide for the housing needs of the Township’s residents in a manner which recognizes the needs of residents, the level of services available, and the ability of the Township to accommodate growth in an orderly and controlled manner.
- j) To protect existing and future property owners from damage to property which could result from the development of lands susceptible to man-made or natural hazards.
- k) To develop the Township in a socially, culturally, economically, and environmentally sustainable manner which considers the needs of future generations;
- l) To provide opportunities for the generation and transmission of renewable energy-related facilities which benefit the Township and are compatible with the agricultural nature of the Township.
- m) To develop a healthy community, with particular regard for air quality, water quality, access to local foods, natural and artificial shading, active transportation, and recreation opportunities.

### **1.5 Official Plan Review** (Added by OPA No. 20)

In 2018, the Township initiated a five-year review of the Official Plan in accordance with Section 26 of the Planning Act. The last review of the Plan was approved by the Ministry of Municipal Affairs and Housing on September 25, 2013. Population projections have been updated with the population now expected to reach 11,860 by the year 2045. The increased population will generate a demand for approximately 800 new dwellings by the same year.

### **1.6 County of Elgin** (Added by OPA No. 20)

The first ever County of Elgin Official Plan was approved by the Ministry of Municipal Affairs and Housing and came into effect on October 9, 2013. The Plan became operative following the last update to the Township of Malahide Official Plan. It constitutes an upper tier plan whereas the Township of Malahide Official Plan constitutes a lower tier plan. As such, this Official Plan is required, under the Planning Act, to conform with the County of Elgin Official Plan. In the event of a conflict between official plans, the County Plan prevails to the extent of such conflict. In all other respects, this Plan remains in full force and effect.

The County of Elgin Official Plan is currently the subject of a five-year review. Any modifications to the County Plan arising from this review shall be assessed to determine whether any issues of conformity arise with respect to the Malahide Official Plan and, if necessary, the Plan shall be amended accordingly.

### **1.7 Matters of Provincial Interest** (Added by OPA No. 20)

The Township, in carrying out its responsibilities under the Planning Act, is required to have regard to 'matters of provincial interest' as declared by the Act. These matters are as follows:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management 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;
  - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

- 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 opportunities;
- 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 built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) 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.

These matters of provincial interest are further elaborated upon in the Provincial Policy Statement. They shall be a consideration by the Township in the evaluation of any amendment to this Plan, any amendment or variance to the Zoning By-law, the approval of a plan of subdivision or condominium, the granting of a consent, permission or any other planning-related approval regulated or required under the Planning Act.

## **1.8 Population and Housing** (Added by OPA No. 20)

The Township remains committed to understanding its present and future land use needs in the face of the changing community demographics. The Provincial Policy Statement 2020 (PPS) now directs that “Sufficient lands shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines”. Given timelines established for the Development Charges (DC) Study prepared by Watson & Associates (2019), it was determined that growth projections for the Township would be completed as part of that exercise and utilized as part of the Official Plan review and update. Based on the DC study, 9,820 people residing in the Township of Malahide in 2019. The 10-year and 20-year long-term population forecasts anticipate a steady growth of approximately 0.9% annually, ultimately reaching a population of 10,780 by 2029. The population is expected to increase to 11,450 by the year 2039.

Current projections indicate that there will be demand for 327 new dwelling units between 2019 and 2029, and an additional 230 dwellings between 2029 and 2039. The demand will increase by an additional 241 dwellings to 2045. In total for the period 2019-2045, there will be a demand for approximately 800 new dwellings with an additional 2,040 new residents.

While there is expected to be a modest increase in the growth rate for the Municipality over the next 25 years, the average household size is expected to continue to decline. Together, these trends will continue to fuel the need for additional housing options and opportunities in the Township to maintain housing attainability and diversity.

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## 2 RESOURCE POLICIES

### 2.1 Agriculture Resources

#### 2.1.1 General

2.1.1.1 Most of the Township is agricultural in character and consequently the primary goals and policies of the Plan are designed to retain this type of environment. All other land uses are intended to be supportive of the Plan's major objective to maintain the productive agricultural land base.

2.1.1.2 The basic policy framework guiding land use and development in agricultural areas in the Township of Malahide is as follows:

- a) The Township shall encourage the retention and active cultivation of all farmland by:
  - i) Designating "Agriculture" as the primary land use in the agricultural areas of the Township with all other land uses as controlled exceptions.
  - ii) Regulating all non-farm uses so that they do not pre-empt, restrict or conflict with agricultural uses.
- b) The Township shall encourage the growth of agriculturally related industries and commercial activities that are limited in scale and compatible with surrounding agricultural operations, and are directly related to the farm operation and required to be in close proximity to the farm operation.

#### 2.1.2 Land Use

2.1.2.1 The "Agriculture" designation shown on Schedule "A1", the Future Land Use Plan of the Township of Malahide Official Plan shall apply to *prime agricultural areas* in the Township.

2.1.2.2 *Agricultural uses* will be permitted and encouraged in the "Agriculture" designation. *Agriculture-related uses* and *secondary uses* will also be permitted in the "Agriculture" designation provided they are compatible with agricultural uses and do not contribute to land use conflicts. These uses may include surplus farm dwellings on separate lots and farm-related industrial and commercial uses which are small scale and directly related to the farm operation and are required in close proximity to the farm operation, where a farm operation is defined as one or more parcels of land operating under same ownership. Lots for these types of uses will be created in conformity with the policies of this Official Plan. These uses may be zoned to reflect their Agriculture/Residential character. Farm-related industrial and commercial uses will also be zoned in a special category to reflect their agriculture-

related characteristics.

2.1.2.3 The Township recognizes the importance of topsoil, woodlots, and windbreaks for agricultural uses and supports, to the extent its resources permits, efforts to improve the quantity and quality of woodlots in the Township. Any removal or alteration of trees and soil in the Township will be subject to the regulations of the Zoning By-law and the County of Elgin Woodlands Conservation By-law. Landowners are encouraged to consult with the Conservation Authority on matters of large scale tree planting.

2.1.2.4 Proposals for new or altered land uses in the "Agriculture" designation other than those contemplated by subsection 2.1.2.2 of the Official Plan will require an amendment to the plan which must be justified on the basis of a growth related demand for the proposed use; the lands do not comprise a specialty crop area; there being no appreciable loss of *prime agricultural lands* from a prime agricultural area; no reasonable alternative locations which avoid *prime agricultural areas*; and/or there being no reasonable alternative locations within the *prime agricultural area* with lower priority *prime agricultural lands*.

2.1.2.5 (Amended by OPA No. 20) Several small scale institutional uses such as churches, cemeteries and schools exist within the Agriculture designation. These existing uses typically serve local rural populations and do not usually create land use conflicts with adjacent agricultural uses. These uses will be zoned in a site-specific fashion consistent with their low building coverage to lot area ratio. Further expansion of these small-scale institutional uses beyond the existing zoned areas will be evaluated through a Zoning By-law amendment without the need for an Official Plan amendment.

2.1.2.6 In evaluating proposals for non-farm uses, Council shall require a presentation of the proposal which will include a detailed site plan outlining building areas and locations, ingress and egress to the site, parking facilities, existing land use and surrounding land uses, building location, site characteristics, and proposed buffering and landscaping.

### **2.1.3 Livestock Operations and Nutrient Management**

2.1.3.1 Livestock farming operations shall be characterized by the raising, keeping or propagation of animals and poultry for profit as listed in the table of animal types used in the calculation of *Minimum Distance Separation Implementation Guidelines*, as amended from time to time. Without limiting the number or specific type of animals and poultry, the table of units is normally characterized to include beef, dairy cattle and veal; laying and broiler chickens, turkeys, ducks, ostrich and emu; swine including sows, weaners, boars, and feeder hogs, horses, goats, sheep, mink, rabbits and fox.

2.1.3.2 Minimum Distance Separation Formulae – The Minimum Distance Separation Formulae are to be applied in any land use designation where livestock is a permitted use, and:

- a) MDS I is not applied to existing lots of record, surplus farm dwelling severances, within designated settlement areas, or where all or part of a dwelling is destroyed by catastrophe provided the dwelling is located no closer than before the catastrophe;
- b) MDS II is not applied where all or part of a livestock facility is destroyed by catastrophe unless the odour potential, nutrient units, or manure storage factors are increased;
- c) For the purposes of MDS II, cemeteries that are closed or receive low levels of visitation in the opinion of the Township will be considered a Type A land use as per the Minimum Distance Separation Formulae.

2.1.3.3 Prior to the issuance of a building permit for all livestock facilities, including manure or material storage and farm-related anaerobic digesters, that are in excess of 5 nutrient units, the applicant shall prepare a Nutrient Management Strategy or Plan in accordance with the Nutrient Management Act and any regulations made pursuant to such Act, including Regulation 267/03

2.1.3.4 The keeping of livestock in a hobby farm context is permitted in connection with both farm and non-farm residential uses provided the complement of livestock can comply with the regulations of the Minimum Distance Separation II, and the Nutrient Management Act.

#### 2.1.4 On-Farm Diversified Uses (Amended by OPA No. 20)

The Township 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. The following general criteria shall apply:

- a) such uses shall be located on a farm property which is actively used for agricultural purposes;
- b) such uses shall be clearly secondary to the principal agricultural use of the lands;
- c) such uses shall be limited in size and lot coverage as more specifically defined and regulated in the Zoning By-law; and,
- d) such uses may be permitted subject to the approval of 'site-specific' zoning;
- e) such uses shall be compatible with, and shall not hinder, neighbouring agricultural operations.

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

### **2.1.5 Agri-Tourism Uses**

The Township supports on-farm diversification through the establishment of agri-tourism uses. Such uses are defined as agricultural, horticultural or agri-business operations used for the purpose of enjoyment, education or active involvement in the activities of the farm where the principle activity on the property remains as farming and where products used in the activity are produced on the property or related to farming. Such activities may include: farm tours; processing demonstrations; pick-your-own-produce; a hay or corn maze; petting zoo; hay rides and sleigh, buggy or carriage rides; and a farm theme playground for children. The following policies apply to the establishment and use of agri-tourism operations:

- a) Small-scale agri-tourism uses will be permitted as secondary uses as-of-right on farm properties. Permitted uses and sizes will be set out in the Zoning By-law.
- b) Large-scale, intensive agri-tourism uses may be permitted subject to an Official Plan and Zoning By-law amendment. Scale of the use will be based on issues such as building area, scale, and non-agricultural components to the use. Any non-agricultural components must adequately demonstrate how they contribute to the viability of the farm operation and will not contribute to land use conflicts with surrounding agricultural uses. Such uses will also be subject to site plan control;
- c) Agri-tourism uses shall be designed in a manner which does not detract from the agricultural character of the surrounding area in which it is located. In order to achieve design integration, site plan control measures may be used which relate to issues such as signage, buffering, parking, and building location.
- d) Agri-tourism operations will not be permitted to be severed as the intent of such uses is to remain as a secondary, integral part of the primary farm operation.

### **2.1.6 Land Division**

It is a policy of this Plan to discourage the subdividing of large farms into smaller holdings and to encourage continued farm use. The enforcement of this policy and stipulation of a minimum lot size for agricultural uses will be detailed in the Zoning By-law. The creation of agricultural parcels of land which deviate from the minimum lot size prescribed in the Zoning By-law will be permitted subject to the following policies:

- a) Both the retained and severed parcel shall be for agricultural purposes and comply with the following: the lots are of a size appropriate for the type of agricultural uses common for the area; the size of the parcels are sufficiently large to permit making changes to the type of farming; compliance with the M.D.S. formula I; and that both parcels are viable agricultural units or will contribute to agricultural viability by means of farm consolidation;
- b) Building improvements or new construction on the undersized parcel shall be for farming purposes;



## **2.1.7 Farm Consolidation and Severance of Surplus Farm Dwellings**

### **2.1.7.1 (Amended by OPA Nos. 10 & 17)**

In accordance with the Provincial Policy Statement, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings which are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied for a minimum of ten years, and which are surplus to a consolidated farm operation, may be permitted within the Agriculture designation in accordance with the following policies:

- a) In the opinion of Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;

*(Additional policies deleted by OPA Nos. 10 & 17)*

### **2.1.7.2 The severed lot with the surplus farm dwelling shall:**

- a) Be large enough to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Be situated within approximately 100 metres of an opened travelled road and should not be positioned so as to require cultivatable farmland as part of the severed lot.
- c) Meet the provisions of the applicable Minimum Distance Separation formula of OMAFRA;
- d) Be rezoned in a Special Agricultural Zone in the Zoning By-law.

### **2.1.7.3 The severed lot with the surplus farm dwelling may:**

- a) Include accessory buildings and structures if in the opinion of Township Council a land use conflict will not be created. Farm buildings which may be incompatible with the existing dwelling on the lot proposed to be severed may be required to be removed as a condition of the severance. Their location on the farm and the structural condition of such farm buildings will be evaluated as part of the planning process.

### **2.1.7.4 The parcel of property constituting the retained agricultural lands shall:**

- a) Comprise a size appropriate for the type of agricultural use(s) common in the area and be sufficiently large to maintain flexibility for future changes in the type or size of agricultural operation;
- b) Meet the provisions of the Agricultural (A1) or Special Agricultural (A2) Zone regulations of

the Zoning By-law;

- c) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

#### **2.1.8 Existing Vacant Lots** (Added by OPA No. 20)

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 potable water supply and an approved on-site sanitary waste disposal system. Where such lots are not zoned for residential purposes, an amendment to the Zoning By-law shall be required.

#### **2.1.9 Animal Kennels** (Added by OPA No. 20)

Animal kennels shall be permitted subject to appropriate measures being taken to eliminate or effectively mitigate any adverse impacts on neighbouring land uses, to ensure the safety of neighbouring residents and to ensure the proper disposal of animal waste. Lands shall be sufficiently large to provide adequate space for outdoor exercise areas and provide adequate buffering from neighbouring properties. Animal kennels shall only be permitted by means of 'site-specific' zoning in the Township's Zoning By-law, and a minimum separation distance from neighbouring dwellings shall be prescribed. Maximum noise levels at the property line, and other sound mitigation measures, may also be regulated. Site plan control shall apply to ensure adequate buffering measures, sound attenuation, security fencing and other site improvements are undertaken and satisfactorily maintained. A license to operate shall be obtained from the Township.

#### **2.1.10 Keeping of Exotic Animals** (Added by OPA No. 20)

The keeping of exotic animals shall be prohibited in accordance with the Township's "By-law to Prohibit the Keeping of Exotic Animals in the Township of Malahide" passed under the Municipal Act and regulations thereto.

#### **2.1.11 Right-to-Farm** (Added by OPA No. 20)

The Township acknowledges that in agricultural areas, agricultural uses and normal farm practices be promoted and protected in a way that balances the needs of the agricultural community with provincial health, safety and environmental concerns. Nothing in this Plan shall prevent normal farm practices that are conducted in a manner consistent with proper and acceptable customs and standards. The Township remains committed to upholding the principle of normal farm practice when addressing complaints with respect to noise, odours and dust and similar nuisances brought against the farming community. Accordingly, the Township may participate at any proceeding called to resolve such complaints under the Farming and Food Production Protection Act.

### **2.1.12 Second Dwelling Units** (Added by OPA No. 20)

A second dwelling unit shall be permitted within a single detached dwelling unit or within an accessory building situated on the same lot subject to the provisions of the Zoning by-law and in accordance with the requirements of the Ontario Building Code. Where a second dwelling unit is located within an accessory building, the building shall:

- a) be situated within or in close proximity to the clustering of existing farm buildings and structures and/or the main dwelling on the lot as the case may be;
- b) be of a size and design to render it clearly accessory and secondary to the main dwelling. A maximum of one dwelling unit shall be permitted and a maximum floor area shall be stipulated in the Zoning By-law;
- c) be serviced by the existing on-site water supply and existing sanitary waste disposal system serving the main dwelling;
- d) be subject to the Minimum Distance Separation (MDS I) requirements such that the second dwelling unit shall not further contravene a noncomplying MDS I setback that already exists in the case of the main dwelling.
- e) A severance of the second dwelling unit from the balance of the lot will not be permitted.

## **2.2 Mineral Aggregate Resources**

In accordance with the policies of Section 2.5 of the *Provincial Policy Statement*, this Plan shall protect and promote the recovery of mineral aggregate resources for their long term use, provided that extraction shall be undertaken in a manner which minimizes social and environmental impacts. The Township will rely on the expertise of the Province in assisting with identification of mineral aggregate resources. The extraction of mineral aggregate resources shall be done in accordance with the Plan, the *Aggregate Resources Act*, and any other applicable legislation. No demonstration of need for the extraction of such resources will be required by a proponent.

### **2.2.1 Permitted Uses**

The “Mineral Aggregate Resource Areas” designation, as shown on Schedule “A1” to the Official Plan, shall mean that the predominant use of land shall be for the extraction and processing of aggregate resources, including wayside pits and quarries. Also to be permitted in the “Mineral Aggregate Resource Areas” designation are agricultural and agriculturally-related uses which do not limit the future viability of the site for the extraction of mineral resources and which are conducted in accordance with the policies contained in Section 2.1 of this Plan. All operating sites within the Township will be identified as land use features labeled “Licensed Mineral Aggregate Operations” on Schedule “A1” to the Official Plan.

### **2.2.2 Policies**

2.2.2.1 New mineral aggregate operations will not require an amendment to this Plan provided that:

- a) It is located within an area designated as "Mineral Aggregate Resource Areas" on Schedule "A1" to this Plan;
- b) It complies with the policies of this Plan.

Existing mineral aggregate operations shall be permitted to continue without the need for an official plan amendment, rezoning, or development permit under the *Planning Act*. When a license for extraction or operation ceases to exist, the protection of the area as a mineral aggregate resource area continues to apply. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety, or environmental impact.

2.2.2.2 The Mineral Aggregate Resource Areas designation, shown on Schedule A 1, applies to lands that have been identified with known deposits of mineral aggregate resources. This designation is not inclusive of all lands within the Township where the potential for mineral aggregate extraction exists. The policies of this Section of the Plan apply to the protection of mineral aggregate resources across the Township.

All proposals for new mineral aggregate operations to be located outside of the areas designated as "Mineral Aggregate Resource Areas" on Schedule "A1" to this Plan will require an amendment to this Plan. In considering an application for an amendment to this Plan, regard shall be had to the policies contained in Sections 2.2.1, 2.2.2.1, and 2.2.2.6 of this Plan.

2.2.2.3 Where lands are shown on Schedule "A1" to this Plan as being located within the "Mineral Aggregate Resource Areas" designation, such designation does not in itself constitute full and final municipal approval for the opening of a new mineral aggregate operation. All new mineral aggregate operations in the Township must be properly zoned for such purposes by the Zoning By-law, and be licensed by the Ministry of Natural Resources pursuant to the *Aggregate Resources Act*.

2.2.2.4 In considering a zone change to permit the establishment of a mineral aggregate operation and in recommending to the Ministry of Natural Resources on applications for a license, the Township will have regard to the policies which follow:

- a) The potential for any land use conflicts which may be created by the proposed use, including conflicts with other resources outlined in Section 2 of the Plan;
- b) The ability of local roads to accommodate expected levels of truck traffic;

- c) A site plan, complete with information as required by the Aggregate Resources Act, and any regulations made pursuant to such Act including Ontario Regulation 244/97, or any other pertinent and applicable provincial legislation or regulations;
- d) Potential impacts to nearby residential uses will be considered.

2.2.2.5 All extractive uses shall satisfy the requirements of the appropriate regulatory agency with respect to matters of potable water supply, the taking of water, the disposal of liquid wastes, noise, vibration and the control of air pollution.

2.2.2.6 *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or significant natural heritage areas which have been determined to be incompatible with extraction and associated activities.

2.2.2.7 In areas adjacent to, or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

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

2.2.2.8 In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that rehabilitation in prime agricultural areas will be carried out so that substantially the same areas and same average soil quality for agriculture are restored, unless the following criteria have been met:

- a) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of mineral aggregate extraction makes such rehabilitation unfeasible; and
- b) Other alternative locations have been considered by the applicant and found unsuitable. The consideration of other alternative locations shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3; and
- c) Agricultural rehabilitation in remaining areas is maximized;

2.2.2.9 After rehabilitation has been completed an application for an Official Plan amendment to permit a use or uses other than those permitted in subsection 2.2.1.1 of this Plan will be given due consideration, in accordance with subsection 2.1.2.3, and only after documentation has been prepared and presented by the operator, operator/applicant, which shows that the licence has been surrendered.

2.2.2.10 Notwithstanding Section 2.2.2.2 of this Plan, Official Plan and Zoning By-law amendments will not be required for the removal or leveling of hills containing aggregate material for the purpose of increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of land surrounding the hill. The Ministry of Natural Resources must be contacted prior to any excavation to determine licencing requirements under the Aggregate Resources Act.

## **2.3 Oil, Gas, Salt and Other Mineral Resources**

### **2.3.1 Permitted Uses**

The exploration for and the production of oil, gas, salt and other mineral resources including related buildings, structures, pipelines and related facilities shall be permitted in all land use designations, except Urban Areas. All exploration and production activities are to be in compliance with the Oil, Gas, and Salt Resources Act, or the Mining Act, and the regulations and operating standards thereto. Existing features are identified on Schedule "A2" to the Plan as "Natural Gas Reservoir".

### **2.3.2 Policies**

2.3.2.1 The Township shall support the subsurface storage of oil, gas, salt and other mineral resources, subject to provincial regulations, so long as they do not adversely affect surface development rights as set out in the Official Plan.

2.3.2.2 The Township shall support the proper disposal of oil field brines, in accordance with Provincial regulations.

2.3.2.3 New development shall be set back a minimum of 75 metres from existing petroleum wells. Existing and known petroleum wells are shown on Schedule "A2" to the Plan; this setback being equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development. Where development is proposed adjacent to or above pools or deposits, the Province shall be consulted regarding measures to allow possible future access for resource production purposes.

- 2.3.2.4 The Township shall encourage the use of technology for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a *natural or cultural heritage area*. New wells and associated works will be prohibited from causing any surface or ecological disturbance to natural and cultural heritage areas. If there are no alternatives to exploration and production within a natural or cultural heritage area, measures will be undertaken to reduce negative impacts. Where forest cover is removed it shall be replaced at a location specified by the landowner, unless no such location is suitable for tree cover, wherein the Township may specify a location.
- 2.3.2.5 Upon cessation of production, well sites and locations of associated works shall be rehabilitated to permit uses set out in the land-use designation where the well sites are located. Upon cessation of production from wells in *prime agricultural areas*, rehabilitation shall restore the site so it can be used for agricultural purposes that are consistent with surrounding agricultural uses.
- 2.3.2.6 As a condition of approving subsequent development on former petroleum resource areas, the Township will require that improperly abandoned wells that are known or discovered on the lands during development will be properly plugged in accordance with provincial requirements. Buildings and structures shall be located away from possible well sites, unless it can be proven that development can safely occur.
- 2.3.2.7 If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

## **2.4 Cultural Heritage and Archaeological Resources**

### **2.4.1 Objective**

In accordance with the policies of the Ministry of Tourism, Culture and Sport and Section 2.5 of the Provincial Policy Statement, this Plan shall endeavour to recognize and preserve the *significant built heritage resources* and *cultural heritage landscapes* of the Township. Cultural heritage resources include *archaeological resources*; buildings and structures of architectural, historical or engineering interest: groups of buildings and structures which are of interest and value in the landscape; and entire landscapes. In essence they are the works of man and the effects of his activities in the environment and, accordingly, may be considered as heritage where they constitute the consultative record of past human activities, endeavours or events.

Council recognizes that, within the boundaries of the Township, there may be marine archaeological remains including, but not limited to, ships and their contents or marine infrastructure. Council shall, prior to approving a development proposal in areas with marine archaeological potential, require a marine archaeological survey

to be conducted by a licensed marine archaeologist to the satisfaction of the Township and Ministry of Tourism, Culture, and Sport pursuant to the Ontario Heritage Act.

#### **2.4.2 Cultural Heritage Policies**

- 2.4.2.1 Council may establish a Municipal Heritage Committee to advise on matters relating to the Ontario Heritage Act and other business relating to heritage conservation.
- 2.4.2.2 Council shall encourage the designation and maintenance of properties and structures pursuant to Parts IV and V of the Ontario Heritage Act.
- 2.4.2.3 The Township may prepare and maintain an inventory of cultural heritage resources within the Township.

#### **2.4.3 Implementation**

- 2.4.3.1 Township Council shall implement the cultural heritage policies of this Plan through participation in provincial and federal programs related to cultural heritage conservation. Township plaques or signage highlighting cultural heritage resources will be encouraged.
- 2.4.3.2 The Township will prevent the demolition, destruction or inappropriate alteration of significant built heritage resources or cultural heritage landscapes, and will determine the feasibility of rehabilitation and reuse of heritage properties where necessary. Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to the conserve the heritage attributes of the protected property.
- 2.4.3.3 In addition to promoting co-operation with individual property owners in the preservation of cultural heritage resources, Township Council will have regard to the effects of public works on built heritage properties, archaeological sites and cultural heritage landscapes in the Township. Public works are to consider impacts to cultural heritage including the undertaking of municipal public works, such as roads and infrastructure projects carried under the Municipal Class Environmental Assessment (EA) process. When necessary, Council will require heritage impact assessments and satisfactory measures to mitigate any negative impacts affecting identified significant heritage resources. Council shall encourage local utility companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources and do not have a negative



impact on the architectural integrity of those resources.

2.4.3.4 New residential development in older residential areas of historical, architectural or landscape value will be encouraged to develop in keeping with the overall character of these areas.

2.4.3.5 Township Council may utilize any of the following planning tools to promote or preserve cultural heritage resources in the Township:

- a) conditions of consent and subdivision approval and consequent agreements;
- b) Heritage Impact Assessments;
- c) provisions related to site plan control; and,
- d) standards, definitions and regulations in the Zoning By-law.

2.4.3.6 The Township will identify any development applications that will impact areas containing registered archaeological sites and areas of potential. Where the Township has identified development applications that will impact archaeological resources or areas of archaeological potential, the Township will require an archaeological assessment be conducted by an archaeological consultant licensed by the Ministry of Tourism, Culture. Development on lands containing significant archaeological resources shall avoid the destruction or alteration of these resources. Where this is not possible, the development proponent shall conserve significant archaeological resources through the removal and documentation in advance of any land disturbances, and in accordance with archaeological licensing provisions of the Ontario Heritage Act. Where significant archeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. The appropriate First Nation shall be provided notification with regard to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors. If the Municipality initiates an Archaeological Management Plan, the appropriate First Nations shall be notified and invited to participate in the process.

2.4.3.7 Archeological site locations and areas of potential will be determined based on registered site data and potential screening criteria provided to the Township by the Province, or through technical assistance.

## **2.5 Natural Heritage Resources**

### **2.5.1 Objective**

In accordance with the policies of the Provincial Policy Statement, this Plan shall recognize the natural heritage features and areas of the Township and their ecological functions, and protect them from incompatible development. Natural heritage features and areas, as defined by the Provincial Policy Statement, and the Ministry of Natural Resources' Natural Heritage Reference Manual, as updated from time to time, include: significant wetlands, significant coastal wetlands, significant habitat of endangered species and threatened species, significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, and significant areas of natural and scientific interest (ANSI's). Many natural heritage features rely on the ecological functions provided by watercourses. Watercourses also connect natural heritage features and are especially important in fragmented landscapes where a watercourse may be the only remaining natural area left. Natural heritage features and areas can often, also, overlap with natural hazards. Provincially Significant Wetlands, Locally Significant Wetlands, Significant ANSI's, and Significant Woodlands are designated as "Natural Heritage" on Schedule 'A1' and further delineated on Schedule 'A2'. Other natural heritage features and areas exist within the Township which may not be mapped on Schedules 'A1' and 'A2', but will be considered, and, if warranted, evaluated as part of any Planning Act application.

### **2.5.2 Descriptions**

2.5.2.1 The following are descriptions of the regionally and provincially significant Areas of Natural and Scientific Interest that are designated Natural Heritage and/or Conservation Lands on Schedule "A1" to the Official Plan. These ANSI's include five Life Science ANSI's and one Earth Science ANSI.

- The provincially significant Catfish Creek Till Earth ANSI located north and west of the village of Port Bruce is a late Wisconsinan glacial deposit and is the most widespread and consistent till in Southwestern Ontario forming an important stratigraphic marker. Earth ANSI's are generally less sensitive to disturbance than Life ANSI's and the township will pre-consult with MNR to approving development that may impact the till stratigraphy. This area also includes the regionally significant Catfish Creek Slope and Floodplain Life ANSI, which includes approximately 170 hectares of Carolinian forested rim, slope and floodplain habitats along the meandering, broad valley of Catfish Creek.
- The provincially significant Springwater Forest Life ANSI located southwest of the Town of Aylmer is an exceptionally mature deciduous forest of beech, red maple, pine and oak, growing on a slightly undulating sand plain. The headwaters of Bradley Creek rise within the forest and several tributary streams fed into Springwater Pond, the former millpond. The forest is the best example of upland beech-maple and pine-maple-oak forest growing on a loam site, in the Norfolk Sand Plain.
- The regionally significant Lakeview South Life ANSI located south of Nova Scotia Line, at

the southern terminus of Carter Road, is an 80 hectare woodlot of beech, sugar maple, elm, ash and basswood which extends south to an erosional shoreline bluff. The bluff descends abruptly 30m or more to Lake Erie. Soils are imperfectly drained, Beverly silt loam. A small stream runs through the middle out to Lake Erie. Agricultural fields surround the woodlot.

- The regionally significant Mount Salem Forest Life ANSI located northeast of the hamlet of Mount Salem is an approximately 240 ha block of forest on gently undulating sand plain. Sugar maple, beech, hemlock and yellow birch grow on the low ridges. Linear-shaped swamps of silver maple with some ash and elm lie between the ridges. The tract is variously disturbed and includes some plantation. This is the only location known in Canada for the small whorled pogonia (*Isotria medeoloides*), one of Ontario's endangered species.
- The regionally significant Big Otter Creek South of Bayham Life ANSI located along the boundary with the Municipality of Bayham, north of John Wise Line and south of Talbot Line is a large block (approx. 300 ha in size) of forested valley slopes, floodplains and terraces extends along the deeply incised valley of Big Otter Creek. The valleys of two tributaries- South Creek and Moore's Creek- are included. Hemlock slopes which contain some sugar maple, beech and yellow birch; mixed deciduous-hemlock forests, and sycamore-willow-aspen floodplains are examples of the vegetation.

2.5.2.2 All woodlands between 10 to 20 hectares in area are considered locally significant. All woodlands above 20 hectares in area are considered to be provincially significant. The following are descriptions of the provincially significant woodlands that are designated Natural Heritage and/or Conservation Lands on Schedule "A1" to the Official Plan.

- The Calton Woods is an extensive, low-lying wooded area northwest of Calton. The topography is slightly rolling, with some ponds in the hollows. Most of the area is a diverse, well drained mixed upland forest community. Several large areas have been replanted with pines.
- The Stewarts Swamp Forest is divided in three sections and located northeast of the Mount Salem. The western section, known as Mount Salem Woods, is predominantly a series of poorly-drained basins which support swamp communities; a marshy ponded basin occurs at the eastern margin. The eastern and central portions are on a flat to gently rolling, well-drained sand plain.
- The Summers Corners Swamp Forest located south of Dingle Line and north of the hamlet of Summers Corners consists of upland and lowland forests, and lowland thickets and marshes. Twenty community patterns have been recognized including upland forests occurring on sandy mesic soils. Deciduous forests are most prevalent here. They

vary from submature (very locally) to generally intermediate aged, but with frequent successional and young patterns.

2.5.2.3 The following are descriptions of the locally and provincially significant wetlands that are designated Natural Heritage and/or Conservation Lands on Schedule “A1” to the Official Plan.

- The Aylmer Wildlife Management Area Wetlands is a Provincially significant wetlands complex located east of the Ontario Police College, which includes two wetland types (29% swamp and 71% marsh). The site is an important area for migratory birds.
- The Calton Swamp is a Provincially significant wetland complex, made up of 13 individual wetlands covering a large area bounded by John Wise Line on the north, Calton Line on the south, Springfield Road on the west, and Richmond Road on the east, and is composed of two wetland types (61% swamp and 39% marsh).
- The Springwater Conservation Area Wetlands are a Provincially significant wetland complex located southwest of the Town of Aylmer, made up of four individual wetlands, composed of two wetland types (75% swamp and 25% marsh).
- The EM12 Wetlands are a Provincially significant wetland complex located southeast of the intersection of John Wise Line and Springfield Road, made up of three individual wetlands, composed of two wetland types (80% swamp and 20% marsh).
- The East Belmont Wetland is a Provincially significant wetland complex located southwest of the intersection of Avon Drive and Dorchester Road. The wetland complex crosses into the Municipality of Thames Centre and the Municipality of Central Elgin and is comprised of swamp and marsh.
- Robert's Swamp is a Provincially significant wetland complex located in the southwest corner of the Township of Malahide in the Catfish Creek Till ANSI. The PSW is made up of mostly swamp.
- The Silver Creek Wetlands Complex is a large Provincially significant wetland complex located east of the Hamlet of Luton, made up of mostly swamp.
- The Helder Wetland is a locally significant wetland. The wetland is between Imperial Road and Helder Road and crosses into the Municipality of Thames Centre. The wetland is made up of swamp and marsh.
- The EM11/EM18 Wetlands is a locally significant wetland complex located north of Wooleyville Line, made up of five individual wetlands and composed of only one wetland type (100% swamp).
- The EM19/EM6 Wetlands are a locally significant wetland complex located between Orwell and Aylmer, made up of three individual wetlands and composed of two wetland types (95% swamp and 5% marsh).
- The EM7 Wetlands are a locally significant wetland complex located southwest of the

intersection of Bradley Creek Line and Hacienda Road, made up of four individual wetlands, and composed of two wetland types (94% swamp and 6% marsh).

- The EM8 Wetlands are a locally significant wetland located southeast of the intersection of Chalet Line and Hacienda Road and composed of one wetland type (100% swamp)

(Note: All of the descriptions in Section 2.5.2 are for information purposes only. Other features or areas may exist or may be added in the future on Schedule A2 that have not been described.)

### **2.5.3 Natural Heritage Policies**

2.5.3.1 The Township of Malahide shall adopt and implement the policies of Section 2.1 of the Provincial Policy Statement.

2.5.3.2 Township Council shall encourage the designation and long-term protection of *natural heritage features and areas* in order to increase diversity, connectivity and physical area of the natural heritage land throughout the Township.

2.5.3.3 Township Council shall prohibit and/or discourage *development* and *site alteration* in, or adjacent to *natural heritage features and areas* as per Section 2.5.4.

2.5.3.4 The Township may prepare and maintain an inventory of natural heritage resources within the Township.

2.5.3.5 The Township shall encourage the use of a *natural heritage systems* approach for the protection and enhancement of natural heritage features and/or the direction for development in the Municipality. The Township shall rely on the expertise of the Ministry of Natural Resources and the conservation authorities for assistance in identifying potential natural heritage features. The determination of the area and significance of the natural heritage features and areas is based on the following.

- Significant Wetlands are approved by the Ministry of Natural Resources. The Ministry can identify such wetlands by delineating them or by reviewing and approving the work of others in accordance with the Ontario Wetland Evaluation System.
- Significant Habitats of Endangered Species and Threatened Species are approved by the Ministry of Natural Resources. The Ministry of Natural Resources can identify such habitat by delineating, describing, reviewing and approving the work of others.
- Provincially Significant Woodlands are identified by the Municipality in accordance with

the size criteria set out in the Natural Heritage Reference Manual. Consistent with the 17% woodland cover in the Township, woodlands 20 hectares in size and larger are considered Provincially Significant. Locally significant woodlands are identified by the Township as being between 10 to 20 hectares in area. Both are identified on Schedule "A2".

- Significant Wildlife Habitats are approved by the Municipality, either by identifying them or by approving the work of others using the Significant Wildlife Habitat Technical Guide, EcoRegion Criteria Schedules and the Natural Heritage Reference Manual.
- Areas of Natural and Scientific Interest (ANSI's) are identified by the Ministry of Natural Resources in accordance with the ANSI confirmation process.
- Significant Valleylands and Fish Habitat are identified and approved by the Municipality using the Natural Heritage Resource Manual.

#### **2.5.4 Implementation**

2.5.4.1 Township Council shall implement the natural heritage policies of this Plan through participation in provincial and federal programs related to natural heritage conservation.

2.5.4.2 In addition to promoting co-operation with individual property owners in the preservation of natural heritage resources, Township Council shall also give consideration to the effects of public works on natural heritage resources in the Township.

2.5.4.3 Development or site alteration will not be permitted in significant wetlands, significant coastal wetlands or significant habitat of endangered and threatened species. Development or site alteration shall not be permitted in, or adjacent to, any other natural heritage feature or area, unless it has been demonstrated, through an Environmental Impact Study, that there will be no negative impacts on the natural features or their ecological function. Any development or site alteration in fish habitat shall be in accordance with provincial and federal requirements. The Ministry of Natural Resources is responsible for approving the habitat of endangered species and threatened species. Development and site alteration shall not be permitted in the significant habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. The habitat of endangered species and threatened species is not mapped on any schedules to the Official Plan.

2.5.4.4 Township Council may utilize any of the following planning tools to promote or preserve natural heritage resources in the Township:

- a) Conditions of consent and subdivision approval and consequent agreements;

- b) Provisions related to site plan control; and,
- c) Standards, definitions and regulations in the Zoning By-law.
- d) Council shall circulate all development plans to the appropriate authority, under the One-Window Protocol, for their review and comments on any potential natural heritage significance the lands subject to the development may have.

2.5.4.5 *Planning Act* applications that propose development and site alteration within 120m of significant natural heritage features, except for Earth Science ANSI's which have 50 metres adjacent lands width, shall not be permitted unless the applicant evaluates the ecological function of the adjacent lands and demonstrates to the satisfaction of the Township that there will be no negative impacts on the natural features or on their ecological functions.

2.5.4.6 Development or site alteration in, or within 50 metres of locally significant woodlands, will not be permitted unless it has been demonstrated there will be no negative impacts on the woodlands or its ecological functions. Development or site alteration in, or within 50 metres of significant woodlands, will require written approval from Township Council, who shall consult with Elgin County, and may consult with the appropriate conservation authority and/or the Ministry of Natural Resources regarding any such development proposals.

2.5.4.7 Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue; limit *normal farm practices* to be undertaken in or adjacent to significant woodlands; limit the undertaking of public *infrastructure* including drainage works; or prohibit the harvest of woodlands products in a manner that is sustainable and in accordance with any applicable by-laws. New agricultural uses that require approval under the *Planning Act* will be permitted within or adjacent to significant natural heritage features provided that it has been demonstrated to the satisfaction of the Township that there will be no negative impact on the natural heritage features or their ecological functions. In locally significant woodlands, proposals to sever land for agricultural purposes will not require any demonstration of negative impacts, provided that there are no buildings or structures proposed.

An Environmental Impact Study is required when development and/or site alteration is proposed within provincially significant woodlands, locally significant woodlands, locally significant wetlands, significant valleylands, significant wildlife habitat, fish habitat, and significant areas of natural and scientific interest.

It is also required when development and/or site alteration is proposed within the adjacent lands to the natural heritage features identified above and/or the adjacent lands to significant wetlands, significant coastal wetlands, significant habitat of endangered species and threatened species.

The Environmental Impact Study shall address the following:

- a) A description of the development and its purpose, the natural heritage feature present on site or in the adjacent lands, the nature and duration of the potential impacts to the site, adjacent lands and ecological processes, as well as the cumulative effects of the proposed development and how these impacts are intended to be mitigated.
- b) Site location including location maps and site plans.
- c) A description of the existing land uses on the site and on surrounding properties.
- d) A description and statement of the rationale for the development, and alternative methods of carrying out the development.
- e) A description of:
  - 1. The methodologies used for field studies and for determining the significance of each natural heritage feature;
  - 2. The natural heritage features on the site and adjacent lands, depicted on a map and described in the text;
  - 3. The environment including ecological processes, that will be impacted or that might reasonably be expected to be affected by the proposed development or site alteration;
  - 4. The actions that are necessary or that may reasonably be expected to be necessary to prevent, change, mitigate, or remedy the impacts upon the environment, including ecological processes, from the development. Demonstrating that the test of no negative impacts has been met.

## **2.6 Water Resources**

In accordance with the policies of Section 2.2 of the Provincial Policy Statement and the Elgin- Middlesex Groundwater Study, this Plan shall recognize the *surface water features*, *ground water features*, *hydrologic functions*, and *natural heritage features and areas* which are necessary for the ecological and hydrological integrity of the *watershed*, and for source water protection. These features will be designated as “Surface and Ground Water Features” on Schedule ‘A’ to the Plan after they have been identified by the approval authority.

### **2.6.1 Water Resource Policies**

- 2.6.1.1 The Township shall adopt and implement the terms of Section 2.2 of the Provincial Policy Statement.
- 2.6.1.2 The Township shall designate *surface water features* and *ground water features* in order to protect, improve, and restore the quality and quantity of water throughout the Township.
- 2.6.1.3 The Township shall encourage efficient and sustainable use of water resources including water conservation, sustaining water quality, and encouraging stormwater management practices which minimize stormwater volume and contaminant loads while using increased vegetation and pervious



surface materials.

- 2.6.1.4 The Township shall discourage development and site alteration on or adjacent to surface water features and ground water features.

## **2.6.2 Implementation**

The Township may utilize any of the following planning tools to protect, improve, or restore the water resources of the Township:

- a) Conditions of consent and subdivision approval and subsequent agreements;
- b) Provisions related to site plan control;
- c) Standards, definitions and regulations in the Township Zoning By-law; and
- d) Purchase of lands containing groundwater features where necessary.

## **2.6.3 Development Applications**

- 2.6.3.1 Council shall circulate all development plans to the applicable Conservation Authority, for their review and comments related to any potential impact on designated *surface water features* or *ground water features*.

- 2.6.3.2 Development or site alteration will be restricted in or adjacent to designated *surface water features* or *ground water features*, or *designated vulnerable areas* where it will negatively impact the *hydrological functions* of the features. A proponent may be required to undertake an Environmental Impact Study to determine negative impact.

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## **3 GENERAL LAND USE POLICIES**

### **3.1 General Context**

#### **3.1.1 Background**

This section of the Official Plan provides the land use policies which apply to future development in the Township of Malahide during the 2009-2029 planning period. The general land use policies are intended to apply to areas within any one of the designated urban areas and/or within agricultural areas of the Township subject to the other policies of this Plan.

#### **3.1.2 Land Use Schedules and Designations**

It is intended that future development within the Township of Malahide will take place in accordance with the land use designations shown on the following schedules:

- Schedule “A1” Township of Malahide– Land Use
- Schedule “A2” Township of Malahide – Constraints
- Schedule “B” Springfield– Land Use and Constraints
- Schedule “C” Port Bruce Land Use and Constraints

#### **3.1.3 General Development Policies**

3.1.3.1 This Plan encourages new residential development to consolidate within the existing urban communities listed in Section 4.0 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion within the designated settlement area boundaries.

3.1.3.2 Ribbon or strip development and indiscriminate urban development outside the “Villages”, “Hamlets” and “Suburban Areas” designations shall not be permitted.

3.1.3.3 The Township will place the highest priority on the location of new urban development in areas of the Township where municipal services are readily available.

3.1.3.4 The Township will encourage the development of housing types other than single family detached dwellings in the “Villages”, “Hamlets” and “Suburban Areas”, and where no land use conflict shall ensue, in other parts of the township when converted dwellings are feasible.

- 3.1.3.5 New commercial development shall be encouraged to locate in the existing commercial areas of the “Villages”, “Hamlets” and “Suburban Areas” through the renovation of older structures and the erection of new buildings.
- 3.1.3.6 Growth of new industries that are compatible with both the urban and the agricultural environment in general as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Township.
- 3.1.3.7 *Sensitive land uses* in any designation which have been created in conformity with the policies of this Plan for non-farm use shall maintain the following minimum setback distances from the following uses, and reciprocally where the following uses are proposed in proximity to sensitive land uses, except where appropriate studies are undertaken by the proponent to demonstrate no negative impact to the development:

USE	MINIMUM SETBACK
Grain handling or drying operations:	300 m from the nearest residential dwelling
Landfill site:	500 m from the property line
Railway corridor:	75 m from the edge of the right-of-way

- 3.1.3.8 The Township encourages all new development to be designed in a manner that allows for physical accessibility to all members of the public including persons with disabilities and the elderly.

## **3.2 Group Homes**

### **3.2.1 Locations**

Group homes will be permitted in all areas of the Township wherever lands are zoned as Hamlet Residential, Village Residential, Recreation Hamlet Residential or Agricultural Residential.

### **3.2.2 Definition**

For the purpose of this section, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live under responsible supervision consistent with the particular requirements of its residents. The home is licensed and/or approved for funding under provincial statutes and is in compliance with the Zoning By-law.

### **3.2.3 Policies**

3.2.3.1 In order to prevent an undue concentration of group homes in specific areas of the Township, standards requiring a minimum distance between these facilities may be incorporated in an implementing Zoning By-law.

3.2.3.2 Facilities existing on the date the Zoning By-law comes into effect, but not complying with the requirements of the By-law, will be allowed to continue in operation but will not be permitted to expand without Township approval.

### **3.3 Multi-Unit, Mobile Home Parks and Travel Trailer Parks**

#### **3.3.1 General**

It is the intention of this Plan to allow for the eventual development of other residential types such as multi-unit dwellings and mobile home parks within the residential areas of the Village of Springfield, the Village of Port Bruce, and the “Hamlets”. New mobile home parks, or new mobile homes on individual lots within the Village of Port Bruce will not be permitted due to the inability of such dwelling types to satisfactorily meet floodproofing requirements. Multi-unit dwellings may also be permitted in the “Suburban Areas” where land use conflicts will not be created with non-residential uses and where traffic issues can be effectively addressed. Seasonal travel trailer parks will only be permitted within the Village of Port Bruce. These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that an amendment to the Zoning By-law has been approved.

#### **3.3.2 Multi-Unit Residential Development**

Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential development.

- a) The uses permitted may include the various types of multi-unit dwellings, such as townhouses, converted dwellings and walk-up apartments;
- b) The multi-unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic arrangements;
- c) Adequate off-street parking shall be provided;
- d) The siting of multi-unit dwellings shall be sensitive to the location of existing, low-density development on adjacent properties, and without limiting the generality of the foregoing, regard shall be had for the effect of shadowing;
- e) Multi-unit dwellings will be encouraged to locate in areas where municipal services are available or where adequate private water and/or sewage disposal systems can be

established.

### **3.3.3 Mobile Home Parks**

#### **3.3.3.1** Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for mobile home parks.

- a) All mobile homes are to be contained in a mobile home park development;
- b) The land shall be accessible to a main road by means of a service road or other roads within the mobile home park;
- c) The mobile home park should be located such that bus or school services are not unduly affected, and these shall be available to the site;
- d) The park must be served by a municipal or communal water supply and sewage disposal systems which meet the requirements of, and are approved by the Ministry of the Environment, or its delegated authority as applicable. The methods of and arrangements for ensuring adequate systems operation, maintenance, and responsibility shall satisfy the Ministry of the Environment;
- e) The maximum density of development will not exceed 20 units per hectare and the minimum home size shall be 55 square metres;
- f) Utilities and services such as hydro, lighting, telephone, roads and sidewalks shall be provided by the developer. Garbage collection and disposal may be provided by the developer or by the Township;
- g) Adequate buffering shall be provided to shield the mobile home park from neighbouring uses and vice versa;
- h) A suitable buffer zone shall be constructed to shield the mobile home park from neighbouring residences;
- i) Eight percent of the gross area of the mobile home park shall be designated as a recreational area. The buffer zone should not be a part of the recreation area;
- j) All housing units and services shall be in accordance with the standards and specifications prescribed by the Province of Ontario or their delegated authority;
- k) Mobile home parks shall be a maximum of 80 units and a minimum of 20 units in size, except in Port Bruce on Schedule "C", where a mobile home may be permitted on a single lot, providing all other applicable policies of this Plan are satisfied;
- l) For the purposes of this Plan, a "mobile home" shall be defined in accordance with the Planning Act, but does not include any single-detached dwelling which has been constructed so as to be located on a site other than that which it has been constructed on.

3.3.3.2 Notwithstanding the policies of this Plan to the contrary, the following existing mobile home parks are recognized by this Plan and shall be appropriately zoned in the Zoning By-law:

- Lot 15(88) N.S.T.R., Township of Malahide.

3.3.3.3 It shall be the policy of this plan that an applicant who wishes to develop a mobile home park shall enter into a development agreement with the Township prior to the passing of an amendment to the Zoning By-law. Such an agreement shall include:

- Arrangements for buffer planting to effectively screen the proposed development from other residential, commercial or industrial uses whether existing or proposed;
- Installation and maintenance of infrastructural services;
- Control of drainage on and from the property;
- Control of the specific use to be made of the property and the location of all facets of the development by a site plan. This site plan shall indicate:
  - The true shape, topography, contours, soil and drainage characteristics, dimensions, acreage and location of the property to be developed as well as the extent of adjacent property held for future mobile home park development;
  - The existing use of all land and the location and use of all buildings and structures lying within a distance of 100 metres from the land that is to be developed for the mobile home park;
  - The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
  - All entrances and exits;
  - Progressive and ultimate development of individual mobile home lots, ancillary facilities and internal roads;
  - Drainage provisions - the method and final grades by which the mobile home park shall be adequately drained, certified by a Professional Engineer.

### **3.3.4 Seasonal Travel Trailer Parks**

3.3.4.1 It shall be the policy of this Plan that an applicant who wishes to develop a seasonal travel trailer park shall enter into a development agreement with the Township prior to the passing of an amendment to the Official Plan and Zoning By-law as applicable. Such an agreement shall include and ensure that the seasonal travel trailer park meets the following requirements:

- The park must be accessible to a main road by means of a service road or other roads within the park;

- b) The park must be served by a municipal or communal water supply and sewage disposal systems which meet the requirements of, and are approved by the Ministry of the Environment or its delegated authority as applicable. The methods and arrangements for ensuring adequate systems operation, maintenance, and responsibility shall satisfy the Ministry of the Environment;
- c) The park must be served by utilities and services such as hydro, lighting, storm drainage, and roads provided by the developer. Garbage collection and disposal may be provided by the developer or by the Township;
- d) An adequate buffer zone and buffer planting shall be provided to effectively screen the proposed development from other residential, commercial or industrial uses whether existing or proposed;
- e) The park must have minimum lot sizes which are not less than 150 m<sup>2</sup> in area;
- f) The park must be in operation only during the months of April to October;
- g) The park must have 5% of the gross area designated as a recreational area. The buffer zone shall not be a part of the recreation area. In addition, the 5% park land so designated should be consolidated in one location so that the land set aside for recreation is not dispersed throughout the park area in a number of small plots;
- h) The roads in the park must have a paved or gravel surface and adequate space must be provided to permit cars with trailers to back onto the lots;

3.3.4.2 The specific use to be made of the property and the location of all facets of the development must be set out in a site plan. This plan should indicate:

- a) The true shape, topography, contours, soil, dimensions, area and location of the property to be developed as well as the extent of adjacent property held for future mobile park development;
- b) The existing use of all land and the location and use of all buildings and structures lying within a distance of 120 metres from the land that is to be developed for the seasonal travel trailer park;
- c) The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
- d) All entrances and exits;
- e) Progressive and ultimate development of individual travel trailer lots, ancillary facilities and internal roads;
- f) Drainage provisions - the method and final grades by which the travel trailer park shall be adequately drained, certified by a Professional Engineer.

### **3.4 Employment Areas**

#### **3.4.1 Conversion of Employment Areas** (Added by OPA No. 20)

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 nonemployment 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 run.
- b) the proposed uses would not adversely affect the overall viability of the employment area;  
and,
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

#### **3.4.2 Commercial**

3.4.2.1 These policies are intended to address commercial uses within the “Hamlets” or “Suburban Areas” and not characterized by a separate land use designation. The general principles to be considered in the development and zoning of these uses are as follows:

- a) The uses permitted in this land use category are those uses which essentially serve the entire Township and which are located in the “Hamlets” and “Suburban Areas” and may include those establishments essentially engaged in the buying and selling of goods and services, automobile service stations and sales garages, hotels, places of entertainment and general assembly, offices and studios, service shops, public and institutional uses and residential uses in the form of apartments above ground floor commercial uses.
- b) The principal commercial areas in the “Hamlets” and “Suburban Areas” should remain as compact as possible in order to be readily accessible to the pedestrian public.
- c) Adequate off-street parking within the commercial lot area shall be provided for the convenience of the people and the businesses served.
- d) Adequate buffering shall be provided between the commercial uses and adjacent uses to prevent adverse effects or impacts. Attention shall be paid to adequate buffering and



landscaping of parking lots.

- 3.4.2.2 Major Commercial Shopping Centre complexes that serve the commercial and retail service needs of the wider community may be permitted at selected sites capable of providing full municipal potable water, municipal sanitary sewage treatment and disposal, and stormwater quantity/quality management services provided that: a site plan agreement is entered into with the Township pursuant to the approval of comprehensive amendments to the Official Plan and the Zoning By-law.

**3.4.3 Highway Commercial**

- 3.4.3.1 “Highway Commercial” uses are a separate land use designation to be located along Provincial Highway and arterial roads preferably in the “Suburban Areas” and in the “Hamlets” where compatible with local uses. “Highway Commercial” uses shall include those commercial uses which primarily serve vehicular traffic and which rely heavily upon such traffic for their economic existence. Such uses may include automobile service stations, public garages and automobile sales agencies, truck terminals, farm machinery sales and service, farm supplies, building supply outlets, convenience stores, motels, drive-in restaurants or other eating establishments and accessory retail uses together with a residence of the owner or caretaker.

- 3.4.3.2 The following general principles shall govern the development and zoning of “Highway Commercial” uses which shall be included in a Highway Commercial Zone in the Zoning By-law:

- a) The Highway Commercial uses shall be located on a Provincial Highway or improved County Roads subject to the approval of the Ministry of Transportation or the County Engineer;
- b) The development of laundromats, car washes or other high water consuming establishments will not be permitted unless they can be connected to a municipal piped potable water supply system and have a sanitary sewage treatment and disposal system approved of by the appropriate approval authority;
- c) Adequate off-street parking facilities shall be provided;
- d) Access points to such parking areas shall be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic; and,
- e) Adequate buffering shall be provided between the highway commercial uses and adjacent uses to prevent adverse effects or impacts. Attention shall be paid to adequate buffering and landscaping of parking lots.

- 3.4.3.3 “Highway Commercial” uses outside of the suburban areas designated by this Plan will be permitted on a limited basis provided they meet all other applicable policies of this Plan, and the Zoning By-law regulations for highway commercial uses.

#### **3.4.4 Industrial – Small Scale**

- 3.4.4.1 (Amended by OPA No. 20) The following policies apply to small-scale industrial uses located in the “Hamlets” designation, or industrial uses permitted through a site-specific Official Plan amendment to an “Industrial” land use designation on Schedule “A1” in accordance with all the applicable policies of the Plan. In general, industrial uses shall be encouraged to be located in designated settlement areas and may include warehousing, processing, manufacturing, assembling and storage. In addition, certain other compatible uses may be permitted, including truck terminals, commercial uses accessory to an industrial use and commercial uses primarily serving the industrial area, a caretaker's residence that is structurally attached to the industrial use, and compatible public or institutional uses.
- 3.4.4.2 Industrial operations are not viewed as desirable land uses in Port Bruce. Exceptions to this general rule may be made for existing and proposed industrial uses which are small-scale, related to, and supportive of the local Port Bruce economy provided they can meet the buffer separation distances recommended in the Ministry of the Environment’s “Guidelines D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses” and that they are in conformity with the applicable regulations of the Zoning By-law. Industrial uses which meet the requirements of the policy considerations in this section of the Plan, and which are located in the “Recreation Residential” or the “Flood Fringe” designations in Port Bruce, shall be subject to all applicable zoning regulations including those which relate to floodproofing requirements.
- 3.4.4.3 The general principles to be considered in the development and zoning of industrial uses are as follows:
- a) The Zoning By-law shall provide separate sets of Zone Regulations for Farm-Related Industrial Uses in accordance with Section 2.1 and for General non-farm related Industrial Uses.
  - b) Industries which create extreme environmental conditions such as high air pollution, noise, excessive solid waste generation or high liquid wastes either in volume or toxicity will not be permitted.
  - c) Only dry industrial uses shall be permitted, where such uses are defined as those that do not require water for cooling, washing, and processing and whose subsurface sanitary sewage treatment and disposal system(s) are used solely for the domestic waste generated by employees. All industrial uses shall meet the requirements of, and where necessary, obtain the approval of the appropriate approval authority; including but not necessarily limited to the Ministry of the Environment and/or the Elgin-St. Thomas Health Unit, as the case may be, with respect to potable water supply, sanitary sewage treatment and disposal stormwater

quantity/quality management, solid waste disposal, noise, vibration and any emissions to the natural environment.

- d) Adequate off-street parking will be provided to accommodate industrial employees.
- e) Adequate off-street loading facilities shall be provided.
- f) Adequate buffering, in the form of fencing, landscaping or separation distance, shall be provided between the industrial area and adjacent uses to prevent adverse effects or impacts. Attention shall be paid to adequate buffering and landscaping of parking lots and such buffer planting may include provisions for grass strips and appropriate planting of trees and shrubs.
- g) In “Hamlets”, the industrial uses shall be sited so as to minimize any adverse effect upon the adjacent residential uses;
- h) In “Hamlets”, the buildings containing industrial uses shall be designed and any lighting or signs arranged so as to blend in with the character of the adjacent residential area;

#### **3.4.5 Industrial – Large Scale**

- 3.4.5.1 (Amended by OPA No. 20) The Township of Malahide supports the development of large scale industrial uses which rely on, collaborate with, and benefit the existing agricultural economies found within the Township. The preferred locations for such shall be in the “Suburban Areas” land use designation or within lands designated “Industrial” on Schedule “A1” or Schedule “B”. Such uses may be permitted on a site- specific basis outside of these areas, in accordance with Section 2.1 of this Plan.
- 3.4.5.2 (Amended by OPA No. 20) Within the areas designated “Industrial” on Schedule “A1” or Schedule “B”, the primary use of land shall be for industrial purposes including manufacturing, processing, assembling, repairing, wholesaling, warehousing, storage, and trucking. Those uses involving manufacturing, processing and fabricating operations generating noise, odour, vibrations and particulate emissions at levels likely to result in the loss of enjoyment of normal use of adjoining residential properties or other sensitive land uses, should be buffered with appropriate separation distances determined by the Ministry of the Environment’s “Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses” or its successor document in order to ensure land use compatibility. Commercial uses accessory to an industrial use shall be permitted as well as an accessory living space for a caretaker or security guard provided such living space is structurally attached to the industrial use.
- 3.4.5.3 Secondary or non-industrial uses in the designated “Industrial” areas may also be permitted and may include commercial uses which are compatible with industrial uses and which are either not well suited,

or otherwise unable to be suitably located in the “Central Business District”. Public uses deemed compatible with industrial uses may also be permitted on this basis. The specific types of non-industrial uses will be identified and regulated by the use of a specific zone category in the Zoning By-law.

- 3.4.5.4 Secondary uses will not be allowed to establish at random within the designated “Industrial” areas but rather will be directed to locations which do not in any way contribute to a detracting of the area for industrial purposes.
- 3.4.5.5 The Township will utilize the powers vested with it under the Planning Act with respect to zoning, site plan control, community improvement, and property standards and maintenance to regulate, guide and improve development within the “Industrial” areas, to prevent conflicts between uses permitted within these areas, and to eliminate or effectively reduce any existing or potential conflicts with neighbouring “Residential” areas as a result of impacts related to emissions, traffic, and aesthetics.
- 3.4.5.6 The establishment of large-scale industrial uses which serve the farming community may be permitted by site-specific official plan amendment to a “Specific Policy Area” land use designation where located outside of the Village of Springfield or the “Suburban Areas”, and provided the scale or nature of the use cannot be accommodated in those areas. Examples of such uses may include food and beverage processing; crop / seed development and research; biofuels production; fertilizer Plants; intensive indoor/outdoor aquaculture; or nutraceuticals. Permitted uses and scale of development will be outlined in the Zoning By-law. In order to protect the surrounding lands and agricultural operations from the effects of the proposed large scale industrial use, future development shall be considered in accordance with the policies of Section 2.1.2.4 and shall meet the following criteria:
- a) Employs the skills of the local labour force;
  - b) Is adequately buffered from surrounding land uses so that there are no adverse effects from nor upon them due to noise, vibration, odours, smoke or dust;
  - c) Complies with the Minimum Distance Separation formula I.
- 3.4.5.7 Proponents for any new or expanding large scale industrial uses beyond the area currently designated for such a use, shall undertake one or more of the following applicable studies:
- a) A noise impact study to determine setbacks from sensitive land uses in accordance with Ministry of the Environment guidelines;
  - b) A visual impact study to determine the impact and mitigation measures required for any structures on surrounding sensitive land uses;

- c) An environmental impact study where natural hazards and natural heritage features or functions are identified. Where natural features or functions are identified, the environmental impact study must demonstrate that the proposed development will have no negative impacts on the natural features or their ecological functions. Development or site alteration shall not be permitted in significant habitat of endangered species and threatened species, significant wetlands and significant coastal wetlands;
- d) An agricultural impact study where a significant amount of agricultural land is intended to be removed from agricultural use to demonstrate that the proposed system or facility is located on lower priority agricultural lands, minimizes disruption to agricultural operations, land, infrastructure and activities and complies with the Minimum Distance Separation Formulae; and
- e) Any other such background studies as deemed necessary by Council prior to consideration of the amendment, related to odour, particulates, vibration, municipal servicing capacity, traffic, or other land use impact related to the proposed Official Plan amendment.

3.4.5.8 Proposals for new development or redevelopment in areas designated “Industrial” shall meet the following criteria:

- a) Services and facilities: Existing or proposed services (including potable water supply, municipal sanitary sewage collection, treatment and disposal, stormwater management and surface drainage, solid waste disposal, roads, sidewalks, and street lighting) shall be adequate with sufficient uncommitted reserve capacity to serve the proposed development or redevelopment subject to the approval of the authority(ies) having jurisdiction. If these services or facilities are deemed inadequate, the Township may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
- b) Storm drainage: Adequate provision for stormwater drainage and surface runoff shall be provided subject to the requirements of the Township, and the statutory approval authority having jurisdiction shall be provided. Where in the opinion of the Township it is deemed necessary or desirable, the Township may require the submission of a grading plan and/or stormwater management plan to ensure surface water does not adversely affect neighbouring properties or receiving surface water courses.
- c) Parking and loading: Adequate off-street parking and loading facilities shall be provided in accordance with the Zoning By-law.
- d) Adjacent and surrounding land use: Adequate buffering and landscaping shall be provided between industrial uses and neighbouring “Residential” areas and other sensitive land uses. Separation distances (as presented in the Ministry of the Environment’s “Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses”) earth berms, tree planting, fences, walls, or a combination thereof may be required to ensure adequate buffering depending on the nature of the proposed development.

- e) Site plan agreement: The Township may require a site plan agreement to ensure the satisfactory provision and maintenance of facilities and services relating to the proposed development or redevelopment.

#### **3.4.6 Home –Based Industrial Park** (Added by OPA No. 20)

The 'Home-Based Industrial Park' designation applies to lands lying generally north of Talbot Line (Highway No. 3) and west of Hacienda Road (Aylmer East Area); lands lying east of Dorchester Road and south of Ron McNeil Line (west of Kingsmill Corners) and lands lying east of Springfield Road and north of College Line, for development of a creatively-designed mix of home-based industrial uses. The combination of uses in the industrial park would have the outward appearance of a typical residential subdivision.

Lands designated "Home Based Industrial Park" may be used for the purposes of an integrated industrial-residential park subject to the following criteria:

- a) Development of the subject lands shall take place in a manner whereby industrial uses are balanced with residential uses, recognizing that there may be some affects from industrial uses which are not typical of a residential subdivision but which are otherwise tolerated by likeminded home-based industrial entrepreneurs in regard to compatibility of land uses;
- b) The floor area of the main building used for residential purposes shall be less than the floor area of the building used exclusively for industrial purposes or uses accessory thereto;
- c) A wide range of industrial uses, including offices and certain related sales will be permitted. Provisions will be contained in the Zoning Bylaw and may be included as restricted covenants in property deeds to minimize conflicts between industrial uses and residential uses, and performance standards for industrial uses shall be incorporated into the Zoning By-law; and,
- d) A high degree of site design and amenity will be expected. The Township shall encourage development proposals which demonstrate unique and innovative features, and are designed to provide thoughtful integration of residential and industrial uses in a subdivision-style setting.

### **3.5 Open Space**

#### **3.5.1 General Policies**

3.5.1.1 These policies are applicable to all lands designated "Open Space" including all public and private parks, community gardens, and recreation lands within the Township of Malahide, but not including the Village of Springfield or the Village of Port Bruce.

3.5.1.2 Accessory buildings necessary for open space and recreation use will be permitted under this designation subject to all other applicable policies of this plan.

3.5.1.3 The provision of adequate off-street parking where necessary will be required.

3.5.1.4 Where any lands designated for Open Space are under private ownership, this Plan does not indicate that such land will necessarily remain as open space indefinitely, nor shall it be construed as implying that open space areas are free and open to the general public or will be purchased by the Township. If proposals to develop any such lands that are in private ownership are made and the Township does not wish to purchase such lands in order to maintain the open space, then an application for the redesignation of such lands for other purposes will be given due consideration by the Township.

3.5.1.5 The Township shall endeavour to maintain the existing parkland in the Township and should attempt, where possible, to acquire additional lands for neighbourhood parks within the Hamlets and Suburban Areas as warranted by the level of residential development in these areas.

3.5.1.6 It is the policy of this Plan that within all Suburban Areas and Hamlets, adequate open space shall be provided. To achieve this Council shall ensure that the land dedication required pursuant to the Planning Act, for new subdivisions will be used to create local parks.

3.5.1.7 Monies acquired in lieu of this dedication shall be managed by the Township in a park fund for use in providing recreational lands and facilities to serve the needs of all residents.

### **3.5.2 Large Scale Recreational Uses**

3.5.2.1 New or expanding large-scale recreational uses that are not located within a settlement area, and/or not currently designated “Open Space” such as golf courses, private parks and campgrounds may be permitted pursuant to a site-specific official plan amendment and the applicable regulations of the Zoning By-law. In order to protect the surrounding agricultural lands from the effects of the proposed recreational use, the proposed recreational use shall be considered in accordance with the policies of Section 2.1.2.4 and shall meet the following criteria:

- a) The recreational use does not remove *prime agricultural land* from production;
- b) The road capacity exists for any projected increased traffic flow;
- c) The development does not require municipal water or municipal sanitary sewer services;
- d) The topography lends itself to the particular use;
- e) Natural heritage features and areas are protected;

- f) Solid waste disposal can be taken care of adequately.
- g) Complies with the Minimum Distance Separation formula.

3.5.2.2 The potable water supply, sanitary sewage treatment and disposal, solid waste disposal and any emission to the natural environment must meet the requirements and be approved by the Ministry of the Environment, or the appropriate approval authority.

## **3.6 Conservation Lands**

### **3.6.1 Objectives**

3.6.1.1 The areas of exceptional scenic and recreational value and geographic and environmental significance throughout the Township, and particularly along the Lake Erie shoreline, should be preserved and/or developed in order to maintain their inherent environmental and scenic values.

3.6.1.2 Any development in areas of exceptional scenic or recreational value and geographic or environmental significance should be regulated so that its impact will not detract from the natural environmental character of the area. Good forestry practices as defined in the Forestry Act should be adhered to and all tree removal should be done in accordance with the Elgin County Woodlands Conservation By-Law.

3.6.1.3 The major areas of scenic and recreational value should be accessible to the public.

### **3.6.2 Policies**

3.6.2.1 The shoreline setback policy in Section 5.0 will be used to protect any new development from the hazards of erosion and flooding along Lake Erie.

3.6.2.2 The “Conservation Lands” designation shall mean that the predominant use of the land shall be for the preservation and enjoyment of significant natural resources such as:

- water resources
- unique vegetation or wildlife habitats
- valuable recreation resources



- historic sites
- designated outdoor recreation areas
- any natural resources the community and/or the Conservation Authority deems to be important as an environmental asset to the area.

3.6.2.3 The “Conservation Lands” designation is distinct from “Hazard Lands”, in that a physical environmental hazard may not be present.

3.6.2.4 Where lands designated for conservation are in private ownership, this Plan does not intend that any particular parcel will necessarily remain in this category indefinitely, nor does the Plan imply that any conservation areas are free and open to the general public or will be purchased at any time by the Township or other public agency. If any application is made to the Township to change the designation of any publicly owned “Conservation Lands”, the Township will first determine if the land is required for public purposes and if it can be purchased by the Township or other public agency. If the land is not to be purchased, then the Township may give consideration to the proposed amendment to this Plan.

3.6.2.5 Areas designated as “Conservation Lands” may be supported by accessory buildings on a seasonal basis, but no new permanent buildings should be erected on these lands.

3.6.2.6 Existing residences and/or agricultural operations situated on “Conservation Lands” may be maintained to permit the existing use.

3.6.2.7 The “Conservation Lands” designation may be used to protect *Natural heritage features and areas* from incompatible development. It may also be used to assist in the preservation and management of *Cultural Heritage and Archaeological Resources* in accordance with the Provincial Policy Statement.

### **3.6.3 Conservation Easements**

3.6.3.1 A landowner may convey, without the need for a consent, an easement, or enter into a covenant with the Township or any lawfully recognized conservation body for the purpose of:

- a) The conservation, maintenance, restoration or enhancement of all or a portion of the land or wildlife on the land;
- b) The protection of water quality and quantity, including the protection of drinking water

sources;

- c) Watershed protection and management;
- d) Access to the land for the purposes described above
- e) Protection of cultural heritage resources.

3.6.3.2 Where a conservation body that is party to an easement becomes the owner of the affected lands, the easement is suspended, but does not merge. If the conservation body afterwards conveys the lands, then the easement becomes effective again.

3.6.3.3 Where land is subject to such an easement or covenant, no person shall construct or demolish any building or structure without the written permission of the conservation body or its assigns.

### **3.7 Large Scale Institutional Uses**

The establishment of new or expanding large scale public institutional uses that serve the needs of the community and require a location within the “Agriculture” designation may be permitted pursuant to a site-specific official plan amendment and subject to compliance with the Minimum Distance Separation Formula I. Amendments to permit large-scale public institutional uses will be considered in accordance with the policies of Section 2.1.2.4. These uses will also require an amendment to the Zoning By-law to ensure the protection of adjacent land uses. Examples of such uses are: schools, religious institutions, meeting halls, hospitals or clinics, convalescent homes.

### **3.8 Specific Policy Areas**

#### **3.8.1 Specific Policy Area #1**

The lands designated as “Specific Policy Area” in Part Lots 16 & 17, Concession 8, on Schedule “A1” are associated with the Ontario Police College. These lands may be used for both indoor and outdoor training activities associated with the Ontario Police College. They may also be used to accommodate both public and private fitness and recreational programs. Any proposed development on, or expansion to this “Specific Policy Area” designation will be subject to the provisions of the Zoning By-law and may also be subject to the Site Plan Control policies of this Plan.

#### **3.8.2 Specific Policy Area No. 2**

Notwithstanding any policies of this Plan to the contrary, the lands comprising Part Lot 7, Concession 7, S.D., of the Township of Malahide may accommodate up to ten (10) non-farm residential building lots, and are

designated as “Specific Policy Area” on Schedule “A1” to this plan.

### **3.8.3 Specific Policy Area No. 3**

- 3.8.3.1 The lands situated south of the Hamlet of Avon in Part Lots 4 & 5, Concession 7 in the geographic Township of South Dorchester, and designated “Specific Policy Area” on map Schedule “A1”, may be developed and used as an 18 hole golf course and may include one residential dwelling on a separate lot. The golf course development may include a golf driving range and practice areas; a clubhouse, storage and maintenance buildings; and other accessory uses, buildings and structures incidental to the operation of a golf course, but shall not include a residential dwelling as an accessory use;
- 3.8.3.2 The lands subject to the “Specific Policy Area” designation will be subject to the overlapping, generalized Hazard Lands designation which applies to Kettle Creek and the Kettle Creek Drain System;
- 3.8.3.3 The lands subject to the “Specific Policy Area” designation may be included in an Open Space (OS) Zone and an Agricultural Residential (AR) Zone in the Township Zoning By-law in conformity with subsections 3.9.3.1 and 3.9.3.2 of the Official Plan, and any such rezoning for the intended golf course use may be subject to a site plan or development agreement in accordance with the Planning Act.

### **3.8.4 Specific Policy Area No. 4**

Notwithstanding any policies of the Plan to the contrary, the lands comprising Part of the west half of Lot 24, Concession 2, and designated “Specific Policy Area” shall be permitted a future farm residential dwelling, no earlier than five years from the date of the passing of the implementing Zoning By-law.

### **3.8.5 Specific Policy Area No. 5**

The lands situated on the west side of Springfield Road, north of Vienna Line, in Part Lot 20, Concession 3 in the geographic Township of Malahide, and designated “Specific Policy Area” on Schedule “A1”, may be used to accommodate one (1) non-farm residential dwelling.

### **3.8.6 Specific Policy Area No. 6**

- 3.8.6.1 The lands situated on the east side of Walker Road, north of Talbot Line, in Part Lot 26(99), Concession 7, N.S.T.R., in the geographic Township of Malahide, municipal address 9576 Walker

Road, and designated “Specific Policy Area” on Schedule “A1”, may be used, developed and zoned to permit a small-scale furniture finishing operation, which may include the warehousing and retail sale of goods manufactured on the adjacent property with the municipal address of 9444 Walker Road. This farm cluster of furniture finishing, storage and sale is allowed, in addition to the primary farming operation, at this location on the basis of distinct cultural practices which rely primarily on horse-drawn and non motorized forms of transportation for staff, goods and materials. Any proposed development will be subject to a site-specific Zoning By-law amendment and will be subject to the Site Plan Control policies of Section 4.8 of the Official Plan.

3.8.6.2 The maximum floor area of the furniture finishing use shall not exceed 185 m<sup>2</sup>; the maximum floor area of the retail use shall not exceed 140 m<sup>2</sup>; and, the maximum floor area of the warehouse space shall not exceed 420 m<sup>2</sup>.

3.8.6.3 The development shall comply with the requirements of the Ministry of the Environment under the Environmental Protection Act.

3.8.6.4 No new lots will be created through the consent to sever process.

**3.8.7 Specific Policy Area No. 7**

(Added by OPA No. 12, as Modified by the County of Elgin)

The lands situated on the north side of Glencolin Line, east of Walker Road, in Part of Lot 26, Concession 8 in the geographic Township of Malahide, and designated “Specific Policy Area No. 7” on Schedule “A”, may be used, developed and zoned for institutional purposes, more specifically, to recognize and permit the expansion of the Old Colony Mennonite Cemetery. Lands so designated will be subject to an amendment to the Township's Zoning By-law.

**3.8.8 Specific Policy Area No. 8** (Added by OPA No. 13, as Modified by the County of Elgin)

The lands situated on the east side of Imperial Road, north of Van Patter Line, in Part of Lot 11, Concession V in the geographic Township of Malahide, and designated “Specific Policy Area No. 8” on Schedule “A”, may be used, developed and zoned for institutional purposes, more specifically, to recognize and permit the expansion of the Aylmer Cemetery. Lands so designated will, in part, be subject to an amendment to the Township's Zoning By-law.

**3.8.9 Specific Policy Area No. 9** (Added by OPA No. 15, as Modified by the County of Elgin)

The lands situated on the east side of Imperial Road, north of College Line, in Part of Lot 11, Concession IX in the geographic Township of Malahide, and designated “Specific Policy Area No. 9” on Schedule “A”, may be used, developed and zoned for non-agricultural purposes limited to the establishment of a truck terminal.

Lands so designated will be subject to an amendment to the Township's Zoning By-law and site plan control and a high degree of site design and amenity will be required. The owner shall be responsible for ensuring that all studies deemed necessary to address any potential farmland use impacts are provided to the satisfaction of the Township.

**3.8.10 Specific Policy Area No. 10** (Added by OPA No. 16, as Modified by the County of Elgin)

The lands situated on the west side of Hacienda Road, between College Line and Glencolin Line, situated in Part of Lot 15, Concession VIII in the geographic Township of Malahide, and designated "Specific Policy Area" on Schedule 'A', may be used, developed and zoned to permit a range of agri-industrial uses as more specifically permitted in the Township's Zoning By-law. Lands so designated will be subject to site plan control and a high degree of site design and amenity will be required. Under no circumstances will any use be permitted, by amendment to this Plan or otherwise, where such use is listed as "Prohibited Use" in the Township's Zoning By-law.

**3.8.11 Specific Policy Area No. 11** (Added by OPA No. 18)

The lands situated on the north side of Talbot Line, west of Hacienda Road, in part of Lot 14, Concession 7 (Part Lot 81, Con NTR) in the geographic Township of Malahide, and designated "Specific Policy Area No. 11" on Schedule "A", may be used, developed and zoned for residential purposes limited to the establishment of a townhouse dwelling. Lands so designated will be subject to an amendment to the Township's Zoning By-law and site plan control. The owner shall be responsible for ensuring that all studies deemed necessary to address and mitigate any potential noise impacts are provided to the satisfaction of the Township.

**3.8.12 Specific Policy Area No. 12** (Added by OPA No. 19)

The lands situated on the south side of Calton Line (County Road No. 45), west of Sawmill Road in Part of Lot 24, Concession III in the geographic Township of Malahide, and designated "Specific Policy Area" on Schedule 'A', may be used, developed and zoned for industrial purposes. A consent may be granted to permit the enlargement of lands occupied by Creative Enterprises where no new lot is created. The parcel so designated will be subject to an amendment to the Township's Zoning By-law and the holding ("H") symbol applied with its removal contingent upon a site plan agreement being entered into. The owner shall be responsible for ensuring that all studies deemed necessary to identify and mitigate any impacts arising from the industrial expansion are provided to the satisfaction of the Township.

**3.8.13 Specific Policy Area No. 13** (Added by OPA No. 20)

The lands situated on the west side of Putnam Road and north side of Lyons Line, in Part Lot 4, Concession 10 South, municipal address 51570 Lyons Line, and designated "Specific Policy Area" on Schedule "A1", may be used, developed and zoned to permit an auction house establishment, which may include the outdoor display and storage of items for sale in the auction.

### **3.9 Granny Flats** (Added by OPA No. 20)

A ‘granny flat’, garden suite or similar temporary secondary dwelling may be permitted for up to 20 years for family members provided such units are designed to be portable and removed from the lands, or readily converted to 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. Measures will be taken, if necessary, to ensure compatibility with neighbouring uses. A Temporary Use By-law shall be required in accordance with the Planning Act along with an agreement with the Township which clearly specifies the terms and conditions with respect to, amongst other matters, occupancy of the dwelling and its removal or conversion to other uses at the end of the prescribed period.

### **3.10 Cannabis Production and Processing Facilities** (Added by OPA No. 20)

The Ontario Ministry of Agriculture, Food & Rural Affairs (OMAFRA) has taken the position that facilities for the production and processing of Cannabis constitute an “agricultural use” for land use planning purposes within the meaning of the Provincial Policy Statement. Notwithstanding this position, the Township remains cognizant of the profound and significant land use planning issues associated with Cannabis growing and harvesting facilities. These issues include, but are not limited to, odour impacts, light pollution, security, power and water requirements (sustainable private services) and increased traffic on local roads.

#### **3.10.1 Locations**

Cannabis Production and Processing Facilities shall only be permitted in areas of the Township designated ‘Agriculture’ and ‘Industrial’.

#### **3.10.2 Policies**

Cannabis production and processing facilities shall only be permitted within the locations described in 3.10.1 subject to the following:

- a) Supporting documentation from the proponent including, but not necessarily limited to, a planning justification report, odour and dust impact assessment, light impact assessment, transportation impact study and hydrogeological study;
- b) A clear and definitive demonstration by the proponent, based on the supporting documentation noted in part a) that the proposed facility is compatible with neighbouring properties and land uses. Where land use compatibility is not capable of being established, under no circumstances shall such facilities be permitted;
- c) Adoption of a ‘site-specific’ amendment to the Zoning By-law to establish minimum separation distances from neighbouring residential and/or institutional uses, and the application of a maximum lot coverage standard on a case-by case basis;

- d) Site plan control shall apply and an agreement shall be entered into and registered on title to the satisfaction of the Township;
- e) Cannabis Production and Processing Facilities shall be located, designed and operated in accordance with all applicable Federal regulations, and shall be registered or licensed by Health Canada.

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## **4 SETTLEMENT AREAS**

### **4.1 General**

#### **4.1.1 Background**

- 4.1.1.1 The Settlement Area policies are intended to apply to those parts of the Township where concentrations of urban development and land uses dominate the environment. For the most part, the Settlement Area policies shall apply to the villages of Springfield and Port Bruce and the various hamlets designated by the Plan, however, these policies shall also apply to other areas which are in transition from rural to urban use and which are designated as “Suburban Areas” in the Plan.

The Township is primarily devoted to agricultural uses with concentrations of urban uses existing in the Villages of Springfield and Port Bruce, the Hamlets of Avon, Lyons, Kingsmill Corner, Orwell, Summers Corners, South Gore, Luton, Mount Salem, Calton and Copenhagen, and, in the Suburban Areas near the Town of Aylmer. It is the intent of this Plan to concentrate all of the urban growth in these centres in order to prevent the continuation of scattered non-farm development in the agricultural areas. Any proposals to expand the settlement areas as shown on the map schedules, will only be considered during a comprehensive Official Plan Review undertaken by the Township.

- 4.1.1.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the “Villages”, “Hamlets” and “Suburban Areas” will be encouraged.
- 4.1.1.3 This Plan proposes three distinct types of urban areas within which all of the future non-farm development should take place. These include the designated “Villages”, “Hamlets” and “Suburban Areas”.

#### **4.1.2 Cumulative Development Impact**

- 4.1.2.1 It shall also be the policy of this Plan to restrict multi-lot residential, commercial or industrial development, defined as plans of subdivision and condominium with more than 5 lots or units in the settlement areas until both municipal sewage services and municipal piped water services can be provided to the site(s) under consideration in accordance with the applicable policies of this Plan. Residential development in these areas will be allowed on the basis of limited infilling with limited growth in areas directly adjacent to existing built-up areas through consents and



small plans of subdivision and condominium

- 4.1.2.2 In areas without municipal sewage services and municipal water services, the creation of lots through the consent to sever process may only be granted for up to four (4) lots per parcel of land, exclusive of the retained lot (four severed and one retained). Lots sizes must be appropriate to the level of services.

Where permitted lot creation is proposed in excess of 5 lots or units on multiple parcels of land at the same time or sequentially, the approval authority shall require a cumulative environmental impact assessment which primarily considers the capacity of water resources to assimilate the impacts of the development.

Further lots from the original parcel of land existing as of the date of approval of this Official Plan, shall be reviewed under a plan of subdivision or condominium process to assess, among other matters, the feasibility of municipal sewage services and municipal water services and the cumulative environmental impact of the development.

In areas without municipal sewage services and municipal water services, the Township must determine that there is sufficient reserve sewage system capacity to treat hauled sewage from individual on-site sewage services.

- 4.1.2.3 Council will discourage development being serviced solely by a municipal piped water supply (ie. partial municipal services) except where necessary to address failed services, and site conditions are suitable for the long-term provision of those services. Applications for multi-lot/unit residential, commercial, or industrial development (ie. more than 5 lots/units) on communal services is discouraged.

#### **4.1.3 Housing Affordability**

- 4.1.3.1 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60<sup>th</sup> percentile) or is at or below the average rental price of rental units in the regional market area.

#### **4.1.4 Intensification and Redevelopment**

4.1.4.1 The Township shall encourage intensification and redevelopment within the designated settlement areas on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

4.1.4.2 Targets for residential densities will be outlined in the individual land use designations. Residential intensification and redevelopment is subject to the following policies:

- a) The permitted forms of residential intensification and redevelopment shall only be permitted based on the level of water and wastewater servicing that is available at the time to ensure public health is maintained.
- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Township to satisfy the proposed water supply and wastewater disposal systems,
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Township will ensure that:
  - i) For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
  - ii) (Amended by OPA No. 20) For street infilling, the proposal is consistent with Subsection 4.1.4.2. a), and with the established building line and setbacks of the surrounding area.
  - iii) (Amended by OPA No. 20) For rear yard infilling, the proposal is consistent with subsection 4.1.4.2. a); the siting of buildings and parking areas minimizes the impacts on neighbouring rear yards; direct vehicular access is provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.
  - iv) (Amended by OPA No. 20) For infill subdivisions, the proposal is consistent with subsections 4.1.4.2. a) and c); and measures will be undertaken through a subdivision agreement, to buffer and screen the development from surrounding residential uses.

4.1.4.3 Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria, or would present a threat to public

health and safety both on and off site.

4.1.4.4 (Added by OPA No. 20) A new settlement area may be identified or the expansion of a settlement area boundary allowed only at the time of a comprehensive review 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 identified 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:
  - 1. the lands do not comprise specialty crop areas;
  - 2. alternative locations have been evaluated, and
    - i. there are no reasonable alternatives which avoid prime agricultural areas; and
    - ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
- d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and,
- e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.

4.1.4.5 (Added by OPA No. 20) Notwithstanding policy 4.1.4.4, adjustments of 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 Township;
- c) prime agricultural areas are addressed in accordance with 4.1.4.4 c), d) and e); and,
- d) the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

#### **4.1.5 Secondary Dwelling Units**

Up to one (1) second dwelling unit, defined herein as a self contained residential unit with kitchen and bathroom facilities, will be permitted within single detached dwellings, semi-detached dwellings, or row houses, or an ancillary structure, where such buildings are permitted in the Settlement Areas of this Plan and sufficient servicing capacity exists. Regulations for second dwelling units will be outlined in the Township's Zoning By-law.

## **4.2 Suburban Areas**

### **4.2.1 General Policies**

- 4.2.1.1 The “Suburban Areas” are comprised of relatively major concentrations of existing non-farm development on provincial highways and former county roads which support high volumes of vehicular traffic. Most of this development has historically occurred via the severance process resulting in a variety of lot sizes and shapes depending upon the nature of the use and the local physical conditions. A common characteristic of the “Suburban Areas” is a significantly reduced potential for agricultural viability on remnant or vacant parcels, some of which are too small or irregularly shaped and situated to be effectively cultivated. The “Suburban Areas” typically include lands with the lowest capability for agricultural investment and sustained use.
- 4.2.1.2 Intensification and infill development where existing residential, institutional, commercial or industrial development and/or excessive lot fragmentation has diminished agricultural viability will be permitted in accordance with the policies of the Provincial Policy Statement which encourage “Efficient, Cost-Effective Development and Land Use Patterns”.
- 4.2.1.3 It is the intent of this Plan to permit a consolidation of non-farm development in “Suburban Areas” which include some existing development connected to municipal services. This policy shall however, not be interpreted as an expression of a municipal commitment to further extend municipal services in these areas.
- 4.2.1.4 It is intended that “Suburban Areas” will relieve pressure for non-farm development in the more viable agricultural areas of the Township while strengthening and improving the residential, commercial and related community functions of these areas.
- 4.2.1.5 New development in “Suburban Areas” shall generally, but not exclusively be characterized by commercial, industrial and institutional uses. Residential uses may be permitted on a case by case basis, where concentrations of residential uses already exist and/or where a land use conflict shall not be created.
- 4.2.1.6 Vehicular access to public roads and highways shall be in accordance with the requirements of the authority having jurisdiction and should not create a traffic hazard as a result of their access to a portion of a roadway with limited sight lines due to curves, grades, or existing roadside

development including buildings and signs.

- 4.2.1.7 Agricultural uses will continue to be permitted in the "Suburban Areas" with the exception of livestock operations in excess of 5 nutrient units, which will be discouraged in these areas. The expansion of existing agricultural operations or the initiation of new agricultural operations shall be in accordance with the Minimum Distance Separation Formulae II.

#### **4.2.2 Consents**

In addition to the policies of Section 4.1.2.2 and Section 6.1.4, consents to sever and convey property within "Suburban Areas" shall generally be guided by the following criteria:

- a) The lands to be severed and conveyed should contribute to infilling of existing non-farm development and should not contribute to the extension of strip residential development. As a general guide, residential infilling shall be defined as a single family dwelling which will be erected on a vacant lot bounded on both sides by existing non-farm development, which is not more than approximately 100 metres apart. Infilling related to commercial, industrial and institutional land uses and development proposals need not necessarily be bounded by non-farm development within 100 metres because of the larger lots and scale of development typically associated with these types of land uses
- b) Consents should be given only when resource uses are not affected. Should resource lands be affected, Township Council shall consult with the Province of Ontario in order to protect such lands from unwarranted development;
- c) Consents for land severances should be granted only where it has been established that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a suitable and potable water supply, and to permit the installation of an adequate number of sanitary sewage treatment and disposal systems which are approved by the Ministry of the Environment or the appropriate approval authority as applicable;
- d) The size of any parcel of land created for new development should be a minimum of 1,400 square metres and in no case should any parcel be created which is significantly larger than necessary to support an approved well and private sewage disposal system, nor should any parcel be created which does not comply with the provisions of the Zoning By-law.

### **4.3 Hamlets**

#### **4.3.1 General**

4.3.1.1 Schedule “A1” designates Avon, Lyons, Kingsmill Corner, Orwell, Summers Corners, South Gore, Luton, Mount Salem, Calton and Copenhagen as “Hamlets”. These areas are comprised of small clusters of residential and commercial uses. The intended function of the “Hamlets” in this Plan is to remain as small dormitory clusters, providing limited low order commercial services to the immediate surrounding area. The policy of this Plan is to restrict major residential development by plan of subdivision wherever municipal services are not available, while allowing future growth on the basis of infilling and in accordance with the hamlet boundaries as depicted on Schedule “A1”.

4.3.1.2 Permitted uses would include residential dwellings, variety stores, public garages and small commercial and industrial uses directly related to and servicing the immediate surrounding community. Institutional uses will also be permitted in the Hamlets. Adequate buffering should be provided between the various uses wherever the potential for land use conflict exists.

4.3.1.3 Most of the land in “Hamlets” will be developed or preserved as a residential neighbourhood, with single detached residences as the dominant land use.

#### **4.3.2 Non-Residential Uses**

4.3.2.1 Land uses other than residential will be permitted in a residential area if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:

- Neighbourhood retail stores
- Drug stores
- Small scale professional offices
- Public and private small scale institutions
- Local service industrial uses.

4.3.2.2 Such uses shall be consolidated into clusters wherever possible rather than permitting them to spread throughout the area. The location and site design of these uses shall provide for off-

street parking, landscaping, and adequate buffering and be in the best principles of urban design to create a high quality residential neighbourhood.

4.3.2.3 In addition, larger scale public and private uses such as religious institutions, clinics, convalescent homes, nurseries, hospitals and schools will be permitted provided that an amendment to the Zoning By-law has been approved to protect the surrounding residential lands from the proposed use.

#### **4.3.3 Consents**

Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for consent in the “Hamlets”:

- a) Consents may be granted only in areas where the undue extension of any major service (ie. municipal sanitary sewers, municipal storm sewers, municipal piped water) will not be required. Any services required as a condition of a consent should be satisfactory to appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly;
- d) The size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;
- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other lot boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

## **4.4 Village of Springfield**

### **4.4.1 General**

4.4.1.1 This Plan recognizes the Village of Springfield as the primary growth area for the Township. The Village will be given primary consideration for any future commitments to municipal water systems and municipal sanitary sewage treatment and disposal systems, as well as other public infrastructure components. The Township will endeavour to support development proposals and public investments to ensure that the Village can function as a sustainable community.

### **4.4.2 Residential**

4.4.2.1 (Amended by OPA No. 20) Within the areas designated “Residential” on Schedule “B”, the primary use of land shall be for single detached, semi detached, duplex, triplex, fourplex, townhouse and apartment dwellings in order to ensure a diversity of housing types capable of meeting the needs of the community. The type of dwelling units permitted in the “Residential” designation will be dependent on the availability of services and will be specified and regulated by the Zoning By-law.

4.4.2.2 Land uses other than residential will be permitted in the “Residential” designation if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. All such non-residential uses should comply with the applicable regulations for the use as prescribed by the Zoning By-law. Examples of such uses are:

- Small scale professional offices
- Public and private institutional uses such as schools, churches and government offices.

4.4.2.3 Home occupations may be permitted if they are clearly secondary to a residential use, are contained entirely within a dwelling unit, and comply with the standards and regulations as prescribed by the Zoning By-law.

4.4.2.4 In order to maintain and strengthen the development of the “Central Business District” and in order to maintain the character of areas designated “Residential”, the establishment of commercial uses will be discouraged (with the exception of those qualifying as home occupations) in the “Residential” area.



- 4.4.2.5 Neighbourhood parks, playgrounds and other public open space areas that serve residential needs and complement the character of the “Residential” areas shall be permitted in accordance with Section 4.5.4 and provided they comply with the standards and regulations of the Zoning By-law.
- 4.4.2.6 Proposals for new single-detached and two-unit dwellings in the designated “Residential” areas should target a gross density of twenty (20) units per hectare and shall meet the following criteria:
- a) Lot frontage, depth and size: (Amended by OPA No. 20) The lot frontage, lot depth, and lot depth of any lots proposed to be used or created for residential purposes shall be appropriate to the development being proposed and should give consideration to and be compatible with adjacent and surrounding lots. In no case shall lots be created or dwelling units constructed which do not conform to the provisions of the Zoning By-law unless the Zoning By-law is otherwise amended or a variance granted.
  - b) Natural features: Natural site features including vegetation, tree cover, and topography shall be protected, enhanced, and incorporated into the design of the proposed development to the greatest extent possible.
  - c) Design: Innovative housing design and site layout including energy-saving measures will be encouraged. To achieve energy savings, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.
  - d) Open space: Open space including parkland shall be provided in accordance with the policies of Section 4.5.4.
  - e) Adjacent and surrounding land use: The proposed development shall be compatible with existing (or proposed) neighbouring land uses. Where necessary or desirable, the proposed development shall be adequately screened from adjacent land uses by the provision of landscaping and/or buffering.
  - f) Facilities and services: Existing or proposed services (including potable water supply, municipal sanitary sewage collection, treatment and disposal, stormwater management and surface drainage, solid waste disposal, roads, sidewalks, and street lighting) shall be adequate with uncommitted reserve capacity to serve the proposed development. If these services or facilities are deemed inadequate, the Township may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
  - g) Storm drainage: Adequate provision for stormwater drainage and surface runoff shall be provided subject to the requirements of the Township, and the statutory approval authority having jurisdiction shall be provided. Where in the opinion of the Township it is deemed necessary or desirable, the Township may require the submission of a

grading plan and/or stormwater management plan to ensure surface water does not adversely affect neighbouring properties or receiving surface water courses.

- h) Vehicular access: Vehicular access shall be available or made available from a public highway or public street of reasonable construction and maintenance to permit year round access and shall be subject to the approval of the authority(ies) having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection. In new residential subdivisions, the use of a curvilinear street pattern, cul-de-sacs, and other similar design features to minimize through traffic movements shall be encouraged.
- i) The Planning Act: In the case of a residential subdivision, all matters contained within Sections 50 and 51 of the Planning Act as amended or revised from time to time shall be complied with.

4.4.2.7 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple-unit dwellings and mobile home parks within the “Residential” areas of the village. These residential types shall be included, subject to a separate zoning category in an approved Zoning By-law. Consideration of the following factors shall be had in the evaluation of a proposed zoning by-law amendment for multi-unit residential development.

- a) The uses permitted shall include the various types of multi-unit dwellings, such as townhouses, maisonettes and walk-up apartments, in addition to the uses permitted in the single-detached areas.
- b) The aggregate density of all multi-unit residential development should target 75 units per hectare for apartments, and 35 units per hectare for other types of multi-unit dwellings.
- c) Apartments and/or townhouse development shall be sited to enhance the quality of the residential neighbourhood, with particular attention to the effects of vehicular and pedestrian traffic generation.
- d) Adequate off-street parking shall be provided.
- e) The general location of multi-unit residential development should be close to the “Central Business District”.
- f) The multi-unit residential buildings should be clustered, in groups, rather than dispersed throughout the “Residential” area.

#### **4.4.3 Central Business District**

4.4.3.1 Within the area designated “Central Business District” on Schedule “B”, the predominant use of land shall be for the buying and selling of goods and services. The types of commercial uses

permitted in this designation will be specified in the Zoning By-law.

- 4.4.3.2 (Amended by OPA No. 20) Secondary uses may also be permitted in the “Central Business District” and may include residential uses in accordance with Section 4.4.2, public parks and open space; off street parking, repair, storage and small scale manufacturing uses. These secondary uses, as permitted, will be regulated by the Zoning By-law.
- 4.4.3.3 The “Central Business District” will be recognized as the dominant area of commercial activity in the village.
- 4.4.3.4 The Township, in co-operation and consultation with merchants and property owners, will seek to strengthen and enhance the “Central Business District” of Springfield.
- 4.4.3.5 Proposals for new development and redevelopment in the “Central Business District” shall meet the following criteria:
- a) Services and facilities: Existing or proposed services (including potable water supply, sanitary sewage collection, treatment and disposal, stormwater management and surface drainage, roads, sidewalks, and street lighting) shall be adequate to serve the proposed development. If these services or facilities are deemed inadequate, the Township may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
  - b) Storm drainage: Adequate provision for stormwater drainage and surface runoff shall be provided subject to the requirements of the Township, and the statutory approval authority having jurisdiction shall be provided. Where in the opinion of the Township it is deemed necessary or desirable, the Township may require the submission of a grading plan and/or stormwater management plan to ensure surface water does not adversely affect neighbouring properties or receiving surface water courses.
  - c) Off-street parking: Adequate parking shall be provided in accordance with the Zoning By-law. As an alternative to providing on-site parking, the Township may accept a cash in lieu payment with such monies going towards the creation of new or improved parking areas servicing the “Central Business District”.
  - d) Adjacent and surrounding land use: Adequate buffer planting or screening may be required along the boundary between the “Central Business District” and “Residential” areas.
  - e) Zoning: All new development, redevelopment and expansions to existing development

shall comply with the standards of the Zoning By-law unless the By-law is otherwise amended or a variance granted.

- f) Site plan agreement: The Township may require a site plan agreement to ensure the satisfactory provision and maintenance of facilities and services relating to the proposed development or redevelopment.

#### **4.4.4 Future Urban Growth** (Added by OPA No. 20)

- 4.4.4.1 Within areas designated “Future Urban Growth” on Schedule “B” it is the intent for urban development to occur at some point in the future. The Future Urban Growth designation establishes this intent, while ensuring that development does not occur until such time as the necessary background studies and justification are completed and a coordinated plan is prepared which supports the vision for Springfield in this plan.
- 4.4.4.2 Lands designated Future Urban Growth will be zoned to allow a limited range of uses based on the nature of their existing use. Agricultural uses will be permitted in the “Future Urban Growth” designation provided they are compatible with residential dwellings and other sensitive uses, and do not contribute to land use conflicts.
- 4.4.4.3 Prior to permitting new development within lands designated Future Urban Growth, the following conditions must be satisfied:
  - a) Land Needs Justified: There is less than a 25 year supply of vacant, unconstrained land designated and suitable to accommodate the expected type of growth based on population, household and/or employment projections within Springfield.
  - b) Servicing Strategy: A functional servicing report shall be prepared which demonstrates that the proposed development can be provided with municipal water and sewage services, and that uncommitted reserve capacity exists within the municipal infrastructure.
  - c) Land Use Planning: The preparation of a comprehensive plan for the lands which addresses the proposed land use mix, including community facilities, parks and open space; the compatibility between different land uses and development at different densities, road alignment, and the effect on environmental features.

### **4.5 Village of Port Bruce**

#### **4.5.1 General - Recreational Settlement Area**

- 4.5.1.1 This Official Plan recognizes Port Bruce as one of two principal urban areas in the Township of Malahide and the only recreational settlement area in the Township.

- 4.5.1.2 The Official Plan encourages the concentration of seasonal residential development and associated recreational land uses in Port Bruce. As such, it is the Township's intention to discourage the evolution of a continuous ribbon of residential development along the lakefront.
- 4.5.1.3 Development in Port Bruce shall be in accordance with the Provincial Flood Plain Criteria, as revised from time to time. These criteria are outlined as land use and development guidelines in the "Floodway" and "Flood Fringe" policy sections of this Plan.
- 4.5.1.4 Schedule "C" of this Plan sets out the land use designations in the various areas of Port Bruce including those areas which are subject to the Provincial Two-Zone, Floodway-Flood Fringe Concept. Other land use designations in Port Bruce include: Lakeshore Recreation; Recreation Residential; and Hazard Lands. Schedule "C" should be read and interpreted in connection with the text of this Plan.
- 4.5.1.5 The following policies shall apply to the use, development and redevelopment of all lands in Port Bruce as shown on Schedule "C".

#### **4.5.2 Lakeshore Recreation**

- 4.5.2.1 The "Lakeshore Recreation" designation shall apply to those areas which have been set aside for either public or private recreational use generally outside of the "Floodway" constraint in Port Bruce. As such, a substantial portion of the public beach falls under this designation, as would other lands currently used, or proposed to be used for public or private recreational use, including marinas, travel trailer parks and campgrounds, as well as passive recreation uses such as conservation areas and forestrylands.
- 4.5.2.2 In addition to compliance with the "Hazard Lands" policies of the Official Plan and the regulations of the Zoning By-law, "Lakeshore Recreation" uses shall be subject to all applicable Provincial Statutes such as, but not exclusively limited to, those statutes and regulations pertaining to collection, treatment and disposal of sanitary wastes; and the placement or disposal of spoils from any open water excavations.

#### **4.5.3 Recreation Residential**

- 4.5.3.1 The "Recreation Residential" designation shall apply to those areas of Port Bruce generally

outside of the “Floodway” constraints which are predominantly comprised of either seasonal or permanent residential land uses. Although primarily intended to apply to single-detached residential structures, the “Recreation Residential” designation also permits converted dwellings, existing mobile homes on individual lots, and clustered or condominium cottage developments which may be situated on a large, individual land holding. Trailer parks, mobile home parks and campgrounds will not be permitted in the “Recreation Residential” designation.

4.5.3.2 Seasonal and permanent residential development may be permitted in accordance with Section 4.1, and Section 6.1.4.2 provided that:

- a) A connection to the municipal water services is feasible for each dwelling unit; and capacity is available;
- b) The sewage disposal system is approved by the appropriate approval authority;
- c) Individually severed lots have vehicular access to a public highway or a road which meets the Township’s standards;
- d) Plans of subdivision or condominium shall have vehicular access to a public highway or road which meets the Township’s standards;
- e) The configuration and design of plans of subdivision or condominium should provide for public access or viewpoints of the lake wherever feasible; and,
- f) Each development proposal shall conform to the “Hazard Lands” section of the Official Plan and the regulations of the Zoning By-law.

#### **4.5.4 Commercial and Other Uses**

4.5.4.1 Commercial uses in Port Bruce shall be predominately comprised of retail stores and service shops of a convenience nature which provide mainly for the daily needs of the local permanent and seasonal populations.

4.5.4.2 Commercial uses may be located in the “Recreation Residential” designation subject to the applicable regulations of the Zoning By-law for commercial and flood fringe land use zones.

4.5.4.3 Institutional uses such as, but not exclusively limited to, churches, schools and community centres which serve the immediate area, shall be permitted in the “Recreation Residential” designation subject to conformity and/or compliance with all applicable regulations in the Zoning By-law, and provided they are not located in an area subject to flooding which would prevent the safe evacuation of vulnerable institutional users.

- 4.5.4.4 Notwithstanding any other policy in Section 3.11, *development* or *site alteration* will not be permitted within any land use designation that falls within the *defined portions of a dynamic beach* within the Village of Port Bruce.

## **4.6 Open Space**

- 4.6.1.1 Within the areas designated “Open Space” on Schedule “B” and Schedule “C”, the primary use of land shall be for community parks, community gardens, conservation areas, fairgrounds, other similar outdoor recreation areas, and cemeteries. Secondary uses such as buildings, structures and parking areas accessory or complementary to the “Open Space” areas may also be permitted, subject to all other applicable policies of the Plan.
- 4.6.1.2 Neighbourhood parks and playgrounds serving local needs shall not need to be included in the “Open Space” designation but rather may be included in the “Residential” or “Recreation Residential” designation. They will, however, be zoned as Open Space in the Zoning By-law.
- 4.6.1.3 The Zoning By-law will specify the range of uses permitted in the designated “Open Space” areas as well as the minimum standards which will apply to buildings and structures accessory or complementary thereto.
- 4.6.1.4 Where lands designated as “Open Space” are in private ownership, such designation does not imply that these lands will remain as open space nor shall it be construed as implying that these areas are free and open to the general public or will be purchased by the Township or any other public authority. If a proposal is made to develop any such lands and the Township or the appropriate public authority does not wish or is unable to purchase the lands in question for open space purposes, the Township may redesignate the said lands for development purposes.
- 4.6.1.5 The Township will continue to support the development and maintenance of recreation facilities; the acquisition, beautification, and maintenance of public open space; and the development of recreation programs insofar as its financial resources permit.
- 4.6.1.6 The Township will ensure that adequate neighbourhood parks are provided to serve the Village areas. A minimum size for a neighbourhood park may be established in the Zoning By-law.
- 4.6.1.7 In order to acquire and develop parks and open space areas, the Township shall require a

dedication of five percent, or cash in lieu, of the lands being subdivided for residential purposes in accordance with the Planning Act. The monies received from cash in lieu payments may be used to purchase park and open space areas elsewhere in the village or, for any other public recreational purpose.

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## **5 HAZARD LANDS POLICIES**

### **5.1 Hazard Lands**

#### **5.1.1 General**

5.1.1.1 The “Hazard Lands” designation applies to areas which exhibit or potentially exhibit a hazardous condition as a result of their susceptibility to *flooding hazards*, *erosion hazards*, slopes, *wave uprush*, unstable slopes/bluffs, or *dynamic beach hazards* or the presence of wetlands.

5.1.1.2 In the Township of Malahide the boundaries of the “Hazard Lands” designation are generalized on *wetlands*, the Lake Erie shoreline, and all watercourses which may or may not have been subject to detailed engineered assessments. These areas may be zoned to permit any of the following uses: agriculture, conservation, horticultural nurseries, forestry, wildlife areas, public or private parks, golf courses and other outdoor recreational activities. In such cases, the location of buildings and structures for purposes other than flood or erosion control will be regulated through the provisions of the Zoning By-law after Township Council has consulted the appropriate Conservation Authority where applicable.

#### **5.1.2 Development on Hazard Lands**

No development as defined in Ontario Regulation 97/04, including the placement of any fill material shall be permitted on “Hazard Lands” except where a permit or written clearance is obtained from the Conservation Authority, in accordance with the Conservation Authorities Act.

#### **5.1.3 Flood Control Work**

Whenever any flood control or other works are undertaken which result in changes in any area designated as “Hazard Lands”, such changes will be incorporated into the Land Use Plans, Schedule “A1”, “A2”, “B” and “C” by an amendment to this Plan.

#### **5.1.4 Land Dedication Under the Planning Act**

Where new development is proposed on a site, part of which is designated as “Hazard Lands” in the plan, then such hazard land shall not necessarily be acceptable as part of the dedication for park purposes as required under the Planning Act. All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township. When an open watercourse is involved, adequate space shall be provided for maintenance and operations.

### **5.1.5 Setbacks and Lotlines**

Building setbacks will be imposed from the margins of “Hazard Lands” in relation to the kind, extent and severity of the existing and potential hazards after consultation with the appropriate Conservation Authority.

### **5.1.6 Consideration of Amendments**

5.1.6.1 Where any land designated as “Hazard Lands” is under private ownership, the plan does not intend that this land will necessarily remain as hazard land indefinitely, nor shall it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Township or any other public agency. Applications for the redesignation of “Hazard Lands” for other purposes may be considered by the Township Council after consultation with the appropriate Conservation Authority provided that:

- a) the existing physical hazards can be safely addressed, are not aggravated, and no new hazards are created;
- b) there are no adverse environmental impacts created;
- c) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
- d) the proposed methods by which these impacts may be overcome are in a manner consistent with *established standards and procedures*, and
- e) any development does not include institutional uses, essential emergency services, or hazardous substances.

5.1.6.2 There is no public obligation, however, either to redesignate or to purchase any area designated “Hazard Lands” particularly if there is an existing or potential hazard that would be difficult or costly to overcome and furthermore, any studies or plans required by the Township or Conservation Authority must be prepared for the applicant/landowner at his own expense.

### **5.1.7 Valley Walls and Top of Bank**

5.1.7.1 Valley walls and banks adjacent to an actual *flood plain* or *valleylands* system in the “Hazard Lands” designation may be subject to erosion or instability due to soil and slope characteristics. In many cases, these lands also possess unique physical features which further warrant their preservation.

5.1.7.2 Valley walls and the top of bank shall generally be considered to extend from the flood plain or

valleylands system to a distance of 30 metres from the top of bank of all such areas. However, development setbacks from *valleylands* and slopes will be confirmed and/or authorized by the local Conservation Authority prior to construction. Valley walls are the area of lands between the watercourse and the top of bank. The top of bank is defined as the highest point of the valley walls as determined by a 3:1 (run:rise) elevation, which begins 15 metres back from the toe of bank of the watercourse.

- 5.1.7.3 Lands in the valley walls and top of bank areas are intended primarily for the preservation of the natural landscape. Such uses as agriculture, outdoor recreation, nursery gardening, forestry, public or private parks, or other outdoor recreation functions, may be permitted.
- 5.1.7.4 The erection of buildings, grading, or any other construction may be undertaken in this zone provided that:
- 5.1.7.5 Engineering reports are prepared at the cost of the landowner/applicant to ensure that the proposed construction will not be endangered by possible erosion or land slippage and that adequate tableland exists to ensure proper sewage servicing.
- 5.1.7.6 The development is compatible with the natural landscape and does not adversely alter the valley features or result in extensive clearing of wooded areas.
- 5.1.7.7 Written permission is received from the appropriate Conservation Authority, the Ministry of Environment, and the Elgin-St. Thomas Health Unit.

#### **5.1.8 Lake Erie Shoreline:**

- 5.1.8.1 The Lake Erie shoreline area is a strip of land immediately adjacent to Lake Erie that is influenced by *flooding hazards*, *erosion hazards*, *wave uprush*, and *dynamic beach hazards* and may present a hazard to any structures within this area. For the purpose of the Official Plan the Hazard Lands will begin at the furthest landward limit of these three shoreline hazards.
  - a) The flooding hazard limit is based on the 100 year Flood Limit and reflects the run up levels, which would be expected when the 100 year extreme lake water levels combines with the 100 year storm event, and will extend for a distance determined by the following formula:

100 yr. flood level + 15 metres (engineered flood allowance for *wave uprush* and other water related hazards)

- b) The erosion hazard limit will extend for a distance determined by the following formula:

**D = 3h + 100r (or) 30 metres (whichever is greater)**

D = Setback (metres) measured from toe of bluff

h = Difference in elevation between top of bluff and toe of bluff which may or may not be below or above lake level elevation

**Note:** Lake level is elevation 173.85 metres ASL (GSC datum) (average for last ten (10) years during November to March period)

100 = Constant representing 100 years of protection

r = Rate of erosion in metres per year at the point under consideration, as determined by the appropriate Conservation Authority.

- c) The dynamic beach hazard limit will extend for a distance determined by the following formula:

flooding hazard limit as determined by subsection a) + dynamic beach allowance of 30 metres

5.1.8.2 The policy of this Official Plan is to allow structures within this area only if the erosion at the building site in question has been decreased to zero by a stabilization project. Such stabilization project must be:

- a) Designed and supervised by a registered Professional Engineer;
- b) Approved by the appropriate Conservation Authority and Township Council.

5.1.8.3 In some cases, buildings and structures may be erected closer to the waterline than the distance calculated through the application of the formula in subsection 5.1.8.1 a) of this Plan. Such buildings and structures may be associated with water-related uses such as marinas, docks and boathouses, and in all cases, the erection or expansion of all such buildings and structures shall be subject to the approval of the appropriate Conservation Authority.

5.1.8.4 For areas that are exposed to the 1:100 year lake level and *wave uprush* as defined by the Ministry of Natural Resources, additions to, or relocations of existing structures, shall incorporate floodproofing measures and shall be subject to the approval of the Township Council and the appropriate Conservation Authority.

#### **5.1.9 Development Policies**

The following policies will apply for any proposed development within the Hazard Lands designation:

- a) Development within or in proximity to *hazardous lands* which will initiate or aggravate physical environmental processes will not be permitted.
- b) On the Lake Erie shoreline, the approval of the Ministry of Natural Resources will also be secured before Council gives favourable consideration to any shoreline-related development.
- c) Vehicular and pedestrian mobility to and from sites within the Hazard Lands designation must be ensured during times of emergency (ie. flooding, erosion etc.)
- d) No new development of buildings or other structures will be permitted on the toe of slope if it is unstable and susceptible to erosion. Slope stabilization measures shall be undertaken in accordance with the advice of the appropriate Conservation Authority.
- e) No development involving institutional uses, *essential emergency services*, or involving the disposal, manufacture, treatment, or storage of hazardous substances will be permitted.

#### **5.1.10 Docks and Waterfront Structures:**

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

- a) be subject to the approval of the appropriate Conservation Authority and, where title to the bed of the waterway is vested with the Crown, the Ministry of Natural Resources;
- b) be designed, constructed and maintained in a manner which contributes to the amenity of the Township;
- c) be capable of withstanding damaging storms, ice and high water conditions , or alternatively be designed to be removed during winter months;
- d) not contain sanitary facilities unless connected to municipal sewers;
- e) be located so as not to interfere with navigation or aids to navigation;
- f) be constructed and placed so as to minimize the impact on natural vegetation and topography;
- g) not contain any residential accommodations.

## **5.2 Floodway**

### **5.2.1 Policies**

- 5.2.1.1 The “Floodway” designation shown on Schedule “B” is based on the 100-year flood level of the Simpson Drain. The “Floodway” designation shown on Schedule “C” is based on the 100-year flood level of the Catfish Creek and its associated spillways.
- 5.2.1.2 The erection of any buildings, structures or stormwater management facilities other than those buildings or structures required for flood or erosion control, or those which are otherwise permitted by Section 5.2.2 of this Plan, are prohibited in the “Floodway”.
- 5.2.1.3 The extension or enlargement of existing buildings and structures in the “Floodway” shall not involve an increase in the total ground floor area of those buildings and structures beyond that which existed on the effective date of the Zoning By-law.
- 5.2.1.4 Extensions or enlargements to existing buildings and structures which are not otherwise prohibited by this Plan shall be in compliance and conformity with the regulations of the Zoning By-law.
- 5.2.1.5 Floodproofing elevations and measures shall be considered mandatory for any new buildings or structures erected in the “Floodway”; and, all such floodproofing elevations and measures for existing or proposed buildings and structures in the “Floodway” shall be subject to written approval from the Conservation Authority.
- 5.2.1.6 If partial destruction of a building or structure occurs in the “Floodway” due to fire, flood, or other natural disaster, that building or structure may be rebuilt to its former dimensions and for the same use as it existed immediately before the partial destruction.
- 5.2.1.7 If total destruction of a building or structure occurs in the “Floodway” due to fire, flood, or other natural disaster, that building or structure may be rebuilt to its former dimensions and for the same use as it existed immediately before its total destruction, subject to written approval of the Conservation Authority regarding acceptable floodproofing elevations and measures.

### **5.2.2 Permitted Uses**

Uses which may be permitted within the “Floodway” designation include:

- a) Open space for public or private recreation purposes including seasonal trailer parks but excluding permanent buildings and structures;
- b) Marinas and boathouses;
- c) Agricultural uses for cropland, nurseries and forestry purposes, excluding buildings and structures;
- d) Under special circumstances - storage yards and parking areas; storage materials provided they are not explosive, buoyant, corrosive, flammable, or a pollutant;
- e) Roads, bridges, railways and other public services of approved hydrologic design;
- f) Appurtenances which would not obstruct the passage of flood waters or debris;
- g) Approved structural works used for flood and erosion sediment control.

### **5.2.3 Conservation Authority Approval**

The establishment of any of the aforementioned uses in the “Floodway” shall be subject to written approval of the Conservation Authority and shall be in conformity and compliance with the regulations of the Zoning By-law. Such written approval shall not be granted, and any necessary zoning by-law amendment shall not be processed for any of the aforementioned uses which entail the erection of buildings and/or structures in the “Floodway” until an assessment is made by both the Township and the Conservation Authority regarding the desirability or necessity of situating the proposed buildings or structures in the “Floodway” and their potential impact on downstream capacities to pass floodwaters.

## **5.3 Flood Fringe**

### **5.3.1 Policies**

5.3.1.1 The “Flood Fringe” designation shown on Schedule “B” is based on the Regulatory Flood level of the Simpson Drain. The “Flood Fringe” designation shown on Schedule “C” is based on the Regulatory Flood level of the Catfish Creek and its associated spill areas. The “Flood Fringe” defines the upper limit of flooding under the most severe regional flood conditions and generally applies to the area(s) between the Regulatory Flood Level and the 100-Year Flood Level.

5.3.1.2 The development of buildings and structures will be permitted in the “Flood Fringe” if special flood protection measures are adopted in compliance with the regulations of the Zoning By-law.

- 5.3.1.3 The extension, enlargement, expansion and redevelopment or floodproofing of existing buildings and structures will be permitted in the “Flood Fringe” subject to compliance with the regulations of the Zoning By-law.
- 5.3.1.4 If total destruction of a building or structure occurs in the “Flood Fringe” due to flood, fire or other natural disaster, that building or structure may be rebuilt subject to compliance with the floodproofing regulations, and all other applicable regulations of the Zoning By-law.
- 5.3.1.5 If partial destruction of a building or structure occurs in the “Flood Fringe” due to flood, fire or other natural disaster, that building or structure may be rebuilt to its former dimensions and for the same use as it existed immediately before the partial destruction.

#### **5.3.2 Permitted Uses**

The permitted uses and floodproofing requirements for buildings and structures in the “Flood Fringe” shall be detailed in the Zoning By-law.

#### **5.4 Human Made Hazards**

Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.



## **6 INFRASTRUCTURE, PUBLIC SERVICE FACILITIES AND ENERGY POLICIES**

### **6.1 Infrastructure**

#### **6.1.1 Roads**

- 6.1.1.1 The road system serving the Township of Malahide is comprised of a Provincial highway, County roads and municipal roads. With the exception of new roads created as a result of a plan of subdivision and/or site plan agreement for a major development, and the proposed Provincial Highway No. 3 Bypass, the existing County and municipal road system is considered adequate to meet the needs of the Township over the planning period. No significant changes apart from normal maintenance and improvements are expected or considered necessary.
- 6.1.1.2 Provincial highways and County roads are designated arterial roads on Schedule “A1”, “A2”, “B” and “C”. Arterial roads are designed to connect the major traffic generating areas of the Township and to be capable of carrying large to medium volumes of traffic within and through the Township. All other roads are designated local roads designed to provide access to abutting properties, to serve destination as opposed to through traffic, and to act as feeders to the arterial road system.
- 6.1.1.3 The required road allowance of a road or highway shall be determined by the authority having jurisdiction. Generally, arterial roads shall have a right-of-way ranging from 20 metres to 30 metres. Local roads shall have a right-of-way ranging from 20 metres to 26 metres. In some cases, such as cul-de-sacs and short streets, consideration may be given to road allowances which are less than 20 metres in width; however, in no case shall a road allowance be created that is less than 15 metres in width.
- 6.1.1.4 The road system of the Township shall be compatible and co-ordinated with the road system of neighbouring municipalities.
- 6.1.1.5 New roads created as a result of a consent or plan of subdivision shall be constructed to the standards of the Township prior to assumption by the Township. When new roads intersect a Provincial highway or County roads, standards of construction at these intersections shall be subject to the approval of the Ontario Ministry of Transportation or the County of Elgin as the case may be.

- 6.1.1.6 (Amended by OPA No. 20) Provincial Highway 3 identified on Schedule “A1” are under the control and jurisdiction of the Ministry of Transportation (MTO). In addition to all the applicable municipal requirements, all proposed development including access which is located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will also be subject to MTO approval. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway intersection within MTO's permit control area will be subject to Ministry's policies, standards, and requirements. Direct access will be discouraged and generally prohibited. Where development may be considered acceptable, proponents may be required to undertake a traffic impact study and subsequently the design and construction of warranted highway improvements related to the proposed land use development.
- 6.1.1.7 In the case of extensions to roads and other necessary road improvements in general, including realignment and road widening, consideration will be given to the impact of such extensions or improvements on *natural heritage areas*, *significant built heritage resources* and *cultural heritage landscapes*, especially on the character of streetscapes and major crossroads or intersections.
- 6.1.1.8 The location of existing unopened road allowances are indicated on Schedule “B” and “C” to prevent possible encroachment from future development. Actual alignment of these new roads or streets will be established at the time of survey. An amendment to this Plan will not be considered necessary to close an existing road allowance where considered desirable to do so, or alternatively, to establish a new road allowance.
- 6.1.1.9 Where development is proposed adjacent to arterial roads, adequate buffering and security measures and setbacks may be required to eliminate any potential visual, safety, or environmental impacts.

## **6.1.2 Railways**

- 6.1.2.1 In view of existing and anticipated rail traffic on the railway mainline passing through the middle part of the Township, new residential development shall not be permitted adjacent to the railway right-of-way unless adequate measures (including setbacks, earth berms, landscaping) can and will be taken to effectively reduce noise, vibrations and visual impacts.
- 6.1.2.2 All proposed development within 300 metres of a railway right-of-way shall be required to undertake noise studies, to the satisfaction of the Township and in consultation with the appropriate railway.

Noise studies shall be completed in accordance with provincial guidelines. The proponent shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

6.1.2.3 All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Township and the appropriate railway. The proponent shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

6.1.2.4 All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided, to the satisfaction of the Township in consultation with the appropriate railway.

6.1.2.5 Where former railway lands are sold, and such change in ownership results in the creation of landlocked parcels of land which had previous rights-of-way to access such lands granted by the railway authority, the Township supports the sale and/or consent of such lands which maintains legal access to such landlocked lands. The Township also supports any initiatives by senior levels of government to address the issue of maintaining legal access to landlocked parcels of land created by the sale of former railway lands.

### **6.1.3 Active Transportation**

6.1.3.1 It is the policy of this Plan to support and encourage the development of sidewalks for pedestrian movement within its settlement areas.

6.1.3.2 It is the policy of this Plan to support and encourage the development of trails on both public and private lands for both pedestrian and other non-motorized forms of transportation which are aimed at promoting public health through outdoor activities. Through the review of the layouts of any such trails, the Township will consider the impact of the trail use on any neighbouring land uses, and may require site plan control to address such issues as landscaping and fencing to protect privacy and to discourage trespassing.

### **6.1.4 Sewage and Water**

6.1.4.1 The following table illustrates the existing servicing scenarios in the settlement areas within the Township as of the date of adoption of this plan:

Settlement Area	Sanitary Sewage Treatment and Disposal	Potable Water Supply
Springfield	Public Piped Sewers	Private Well
Port Bruce, Orwell, Copenhagen, Suburban Areas (east/west of Aylmer)	Private Septic	Public Piped Water
Avon, Lyons, Kingsmill Corner, Orwell, Summers Corners, South Gore, Luton, Mount Salem, Calton, Suburban Areas (north/south of Aylmer)	Private Septic	Private Well

The Township's existing level of sewage and water services to accommodate growth within its settlement area is as follows:

- a) Individually serviced – individual on-site sewage services and individual on-site water services.
- b) Partially serviced – predominantly municipal water services and individual on-site sewage services; one instance of municipal sewage services and individual on-site water services (Springfield).

6.1.4.2 The Municipality will discourage the use of the following services in its settlement areas:

- a) Partially serviced – development on *municipal water services* and *individual on-site sewage services*, except:
  - Where necessary to address failed services; or
  - To allow for infilling and rounding out of development, provided that there is reserve capacity and site conditions are suitable.
- b) Private communal sewage and/or waterservices.

6.1.4.3 The Township will encourage and promote water conservation and water use efficiency.

6.1.4.4 The Township will not permit development within serviced areas that cannot be feasibly connected to either the municipal sewage services or municipal water services.

6.1.4.5 The Township will provide municipal sewage services and municipal water services in a manner that is financially viable, complies with all regulatory requirements; and protects human health and the natural environment.

- 6.1.4.6 The Village of Springfield is serviced by municipal sewage and individual on-site water services and will therefore be the focus of growth within the Municipality. The Township will endeavor to extend municipal water services to the Springfield settlement area to allow for future multi unit development and intensification opportunities. Such expansion will be done in a manner that is consistent with Section 6.1.4.5 of the Plan. However, nothing in this Plan shall be construed as a public commitment to extend municipal water services during the time framework of this Plan.

Any growth in the remaining settlement areas will be limited to infill development of a size and scale that complies with the policies of the Official Plan and the requirements of the Zoning By-law and does not threaten human health and safety.

- 6.1.4.7 Any development outside of the designated settlement areas subject to the policies of the Official Plan will be serviced by individual on-site sewage services and individual on-site water services, unless any such municipal sewage services or municipal water services are required for public health and safety reasons, or to address environmental and/or resource-related concerns.

## **6.2 Energy**

### **6.2.1 Energy Efficiency**

- 6.2.1.1 Innovative development, including design and site layout which emphasizes reducing environmental impacts and increasing energy-saving measures will be encouraged. To achieve these objectives, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.

### **6.2.2 Electrical Power Facilities**

- 6.2.2.1 All existing electric power facilities and the development of any undertakings of Hydro One or their successors, but not including buildings or land uses for executive, administrative or retail purposes, or held under lease of license from Hydro One or their successors, are permitted in all land use designations without amendment to this Plan. However, prior to carrying out or authorizing an undertaking that will directly affect the Township, Hydro One or their successors shall consult with the Township and have regard for the policies of this Plan.

- 6.2.2.2 In view of the existing Aylmer Transformer Station and the Dunboyne Distribution Station and the possible expansion of either station, new residential development, with the exception of infilling, shall not be permitted adjacent to either station unless adequate abatement measures (including setbacks, earth berms, and landscaping) are taken to effectively reduce noise and visual impacts.

### **6.2.3 Large Scale Wind Energy Systems**

- 6.2.3.1 The Township of Malahide supports the development of large scale wind energy systems for electricity production, as a source of renewable energy for the economic and environmental benefit of the Township and the Province.
- 6.2.3.2 Council may consider the following matters to provide comments to the approval authority on wind energy systems. Wind farms should be located on large parcels of agricultural land having limited residential development on-site or nearby. The sites should be separated from Urban Land Uses found in the Hamlets or Villages designations of Schedule "A1" in order to reduce the potential impact of safety, noise and visual intrusion on these areas. The proposed sites should have access to a public road with the existing design capacity to accommodate construction and maintenance vehicles needed for the wind farm. The site should have sufficient area to provide setbacks from sensitive residential and institutional land uses and to provide safety from falling ice. The wind energy system should be designed, built, operated and maintained by firms/individuals qualified to undertake the work.
- 6.2.3.3 Wind Farm proponents are encouraged to contact the Township prior to commencing the background studies, to determine the nature and scope of the issues, which are of interest to the Township, including servicing and infrastructure.
- 6.2.3.4 Wind farms comprised of one or more large commercial turbines shall be subject to agreements for the location of road access, location of external works/facilities, storm water management/drainage and any other identified impact mitigation facilities/measures.

### **6.2.4 Large Scale Renewable and Alternative Energy Systems**

- 6.2.4.1 The Township of Malahide supports the development of renewable energy systems and facilities intended for public electricity production as sources of energy for the economic and environmental benefit of the Township and the Province.
- 6.2.4.2 It is not the intent of these policies to duplicate any requirements with respect to an undertaking under

the Canadian Environmental Assessment Act, or the Ontario Green Energy Act, including Renewable Energy Approvals. Where Renewable Energy Approvals are required, the Township will maintain an active role through the consultation process to ensure the best interests of the Township are maintained.

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## **7 COMMUNITY IMPROVEMENT**

### **7.1 Community Improvement Goals**

(Amended by OPA No. 14)

Township Council has determined that the Township of Malahide in its entirety shall form the Community Improvement Project Area during the 2009-2029 planning period. Township Council, from time to time, may designate additional Community Improvement Project Areas provided the proposed area meets one or more of the criteria set out in Section 7.3 of this Plan.

- a) To stabilize, preserve and improve existing and viable residential, recreational and commercial areas in the Village of PortBruce;
- b) To stabilize, preserve and improve existing and viable residential, commercial, industrial and mixed land use areas in the Village of Springfield;
- c) To ensure that municipally operated facilities and community services are provided at satisfactory standards consistent with the identified needs of all residents in the village of Springfield and the village of PortBruce;
- d) To generally foster local economic growth throughout the Township.

### **7.2 Community Improvement Objectives**

#### **7.2.1 General Objectives (Added by OPA No. 14)**

- 7.2.1.1 To encourage the establishment, expansion, and rehabilitation of existing tourism and tourist destination-oriented uses;
- 7.2.1.2 To encourage the establishment, expansion, and rehabilitation of existing agriculture-related and secondary uses in the agricultural area;
- 7.2.1.3 To encourage appropriate development and redevelopment to facilitate economic activity; and,
- 7.2.1.4 To provide funding in the form of grants and/or loans and/or waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.



### **7.2.2 Residential**

- 7.2.2.1 To improve conditions in older deteriorating but potentially stable and predominantly residential areas or neighbourhoods so as to maintain their long term viability;
- 7.2.2.2 To encourage infilling in established residential neighbourhoods and under-developed areas designated for such land use so as to maintain the relatively compact configuration of development within the Villages;
- 7.2.2.3 To encourage rehabilitation and upgrading of existing housing stock so as to achieve and maintain a minimum standard of housing;
- 7.2.2.4 To upgrade municipal services, public utilities and social and recreational facilities;
- 7.2.2.5 To ensure that municipally operated facilities and community services are provided consistent with the identified needs of all residents in the Villages;
- 7.2.2.6 To minimize, wherever possible, the potential for damage to both private and public property arising from periodic flooding in the Villages.

### **7.2.3 Recreation and Recreation-Commercial in Port Bruce**

- 7.2.3.1 To improve both parking and pedestrian facilities in the recreation and recreation-commercial areas;
- 7.2.3.2 To encourage the rehabilitation of existing recreation-commercial and institutional developments in the village;
- 7.2.3.3 To improve the overall attractiveness of the recreation and recreation-commercial areas in terms of aesthetics and public amenities;
- 7.2.3.4 To diversify and expand the economic base of the hamlet and to expand the range of services and shopping opportunities available in the village;

7.2.3.5 To minimize, wherever possible, the potential for damage to both private and public property arising from periodic flooding in the village.

7.2.3.6 To increase the overall area of natural heritage areas and the quality / functionality of natural heritage areas. Quality and functionality may be achieved in part by the use of local/native plant species.

#### **7.2.4 Commercial and Mixed Land Use Areas in Springfield**

7.2.4.1 To improve parking and pedestrian facilities in the Central Business District;

7.2.4.2 To encourage the rehabilitation of existing buildings in commercial and mixed land use areas;

7.2.4.3 To improve the appearance of the commercial and mixed land use areas in terms of aesthetics and public amenities;

7.2.4.4 To diversify and expand the economic base of the village and to expand the range of services and shopping opportunities available in the Central Business District;

7.2.4.5 To minimize land use conflicts in mixed land use areas;

7.2.4.6 To minimize, wherever possible, the potential for damage to both private and public property arising from potential flooding in the village.

#### **7.2.5 Industrial Areas in Springfield**

7.2.5.1 To encourage the rehabilitation of existing industrial development in the Community Improvement Project Areas;

7.2.5.2 To encourage the redevelopment of vacant, derelict or underutilized properties in areas of existing industrial development.

### **7.3 Criteria for the Selection of Community Improvement Project Areas**

#### **7.3.1 Residential Criteria**

- 7.3.1.1 A significant portion of the residential properties are in need of rehabilitation;
- 7.3.1.2 Deficiency of neighbourhood parkland such as playgrounds, rest areas etc., or other identified recreational facility resources;
- 7.3.1.3 Need for improvement to or extension of municipal services within built-up areas, including water mains, storm drains and catch basins, street lights, roadways, sidewalks, curbs and gutters;
- 7.3.1.4 Stability of the existing pattern of residential land use.
- 7.3.1.5 The area or site constitutes an undeveloped, underutilized, or vacant property that was previously developed and may be contaminated.

#### **7.3.2 Recreation and Recreation-Commercial Criteria**

- 7.3.2.1 Areas of predominately recreation and/or recreation-commercial land use which are potentially stable and viable;
- 7.3.2.2 A need for improvement to or extension of municipal services including water mains, storm drains, catch basins, sidewalks, curbs and gutters and streetlights;
- 7.3.2.3 Identified deficiencies in parking which are manifested in conflicts between parking and pedestrian facilities, or between parking facilities and through-traffic routes such as Imperial Road (County Rd. No. 73);
- 7.3.2.4 Land use conflicts from non-compatible uses or under-utilization of land which can detract from the viability of the area;
- 7.3.2.5 A need for aesthetic improvements or beautification which may enhance the commercial viability of

businesses in the area;

- 7.3.2.6 An observed decline in the commercial assessment in the area and/or a decline in the number or variety of commercial establishments in the area.

**7.3.3 General Criteria (Added by OPA No. 14)**

- 7.3.3.1 For any other environmental, social and/or community economic development reason.

**7.4 Delineation of Community Improvement Project Areas**

(Amended by OPA No. 14)

Township Council may designate by By-law, "Community Improvement Project Areas" within the Municipality of Malahide. These areas are eligible for "Community Improvement" as defined in the Planning Act.

**7.4.1 Implementation**

- 7.4.1.1 Development applications within Community Improvement Project Areas will be evaluated considering the objectives of community improvement for that area.
- 7.4.1.2 The relative need for community improvements will be considered in the preparation of annual municipal capital expenditure budgets.
- 7.4.1.3 Township Council may acquire, hold and prepare land for the purposes of community improvement within designated Community Improvement Project Areas where appropriate.
- 7.4.1.4 The Township will enforce its Property Maintenance and Occupancy Standards By-law in order to maintain minimum standards of occupancy for any class or type of building, structure, or land use within the Community Improvement Project Areas.
- 7.4.1.5 The Township Council will consider the granting of variances and the use of innovative or flexible zoning techniques as per the Planning Act, where such techniques would support community improvement objectives.

- 7.4.1.6 The Township Council will support proposals for infill development within the Community Improvement Project Areas when it has been demonstrated that such infill development will not cause or contribute to land use conflicts.
- 7.4.1.7 The Township Council will consider delegations and proposals from organized community groups who itemize deficiencies and needs in local leisure resources and facilities.
- 7.4.1.8 Specific Community Improvement Projects will depend on the availability of Federal and Provincial grant and/or loan programs, Township resources, and on the relative need for physical improvements in specific areas.
- 7.4.1.9 Where a “brownfields” or contaminated site is proposed for redevelopment, the Township will require a Record of Site Condition in accordance with Ontario Regulation 153/04. The Township may use loans, grants, or property tax exemptions to assist with and encourage the redevelopment of such sites.

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## **8 IMPLEMENTATION**

### **8.1 General**

The Official Plan of the Township of Malahide shall be implemented through the activities of both the private sector and the public sector. In the latter case, a variety of means shall be used to implement the policies of the Plan. These means shall include, but not be limited to, zoning by-laws, maintenance and occupancy standards by-laws, plans of subdivision and subdivision agreements, site plan agreements, consents, public capital works programs, and other relevant or appropriate provisions of the Planning Act, the Municipal Act, the Ontario Building Code Act, the Endangered Species Act, or any other applicable act.

### **8.2 Interpretation**

#### **8.2.1 Boundary Interpretation**

8.2.1.1 The boundaries of all land use designations as depicted on Schedule “A1”, “A2”, “B” and “C” are approximate except where they coincide with highways, roads, railway lines, transmission lines, lot lines, rivers, or any other clearly defined cultural or natural feature. The boundaries of all settlement areas are definitive.

8.2.1.2 Where the boundaries of areas designated as Hazard Lands, Flood Fringe and Floodway are in doubt, the Township Council or its delegate shall consult with the conservation authority having jurisdiction to determine whether the applicable policies apply.

8.2.1.3 The location of all highways and roads on Schedule “A1”, “A2”, “B” and “C” inclusive are considered approximate.

8.2.1.4 Amendments to this Plan will not be required to effect minor adjustments to the land use boundaries other than settlement area boundaries, or the location of highways and roads provided the general spirit and intent of the Plan is maintained.

#### **8.2.2 Numerical / Use Interpretation**

8.2.2.1 Numerical figures contained within this Plan shall not be considered as rigid and inflexible. Minor deviations shall be permitted without an amendment to the Plan provided the general spirit and intent of the Plan is maintained.

8.2.2.2 Wherever a use is permitted in a land use classification, it is intended that uses, buildings, or structures normally incidental, accessory, and essential to that use shall also be permitted.

8.2.2.3 Changes to the policies or land use schedules of this Plan to correct grammatical, numbering or punctuation errors; or, to alter formatting or map toning, may be made by the Township staff without an amendment to this Plan.

**8.2.3 Unexpected Situations** (Added by OPA No. 20)

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

**8.2.4 References to Statutes, Policies and Guidelines** (Added by OPA No. 20)

Where any Act, Provincial Policy or Guideline (or portion of any Act, Provincial Policy or Guideline) enacted or published by the Province of Ontario is referred to in this Plan, such references shall be interpreted as referring to any and all subsequent amendments or revisions to the Act, Policy or Guideline as the case may be.

**8.3 Delegation of Authority**

**8.3.1 Policies**

8.3.1.1 The Township Council may delegate any of the authority vested with Council by the Planning Act, which authority is permitted to be delegated by the said act, as Council deems appropriate during the planning period.

8.3.1.2 The delegation of Council's authority pursuant to the Planning Act, may be assigned by By-Law in compliance with the said act, to any of the following: a committee of the whole or part of Council; a planning advisory committee which may or may not include non-elected ratepayers of the Township; the

Township Clerk; the Township Building Inspector and/or By-law Enforcement Officer; a Committee of Adjustment; or any other eligible person or persons as permitted by the provisions of the Planning Act, and as Council deems appropriate.

- 8.3.1.3 The policies of this Plan are not binding on undertakings carried out on Crown Land by the Crown or its agents.

## **8.4 Zoning By-laws**

### **8.4.1 Comprehensive Zoning By-law**

- 8.4.1.1 The comprehensive Zoning By-law shall contain land use zones in accordance with the policy areas and land use designations of this Plan (Schedule “A1”, “A2”, “B” and “C”) and will establish regulations to control the use of land and the character, location, and use of buildings and structures.

- 8.4.1.2 The comprehensive Zoning By-law shall be reviewed and updated no later than three (3) years after a new Official Plan is adopted and/or a Five Year Review of this Plan to ensure it complies with the policies of the Official Plan.

### **8.4.2 Conforming Uses** (Amended by OPA No. 20)

Some existing uses of land may not be recognized or permitted under the land use designations and policies of this Plan. To prevent undue hardship and protect the land use rights of the owner, such uses may be zoned as conforming uses in the Zoning By-law (i.e. “deemed to conform”) provided:

- a) The use does not constitute a danger, nuisance, or a blight with respect to neighbouring uses by virtue of its operating characteristics including noise and traffic generation;
- b) Any proposed extension or enlargement of the use shall not 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 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.

### **8.4.3 Non-Conforming Uses** (Added by OPA NO. 20)

Existing uses of land which do not satisfy the requirements of Section 8.4.2 shall not be recognized as



conforming uses in the Zoning By-law. While such uses should cease to exist in the long term, it may be desirable to permit their extension, enlargement or conversion to a new use. Permission to extend, enlarge or convert such 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 are compelling and supportable reasons and justification 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 nonconforming use;
- c) The proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use particularly in regard to neighbouring uses, the applicable policies of this Plan and the requirements 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, traffic generation or any other site features 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. Additional traffic safety measures may be required where warranted, including improvements to sight conditions especially in proximity to traffic intersections;
- 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.

The Committee of Adjustment or Council shall not be obligated to grant permission to replace or repair a non-conforming use under any circumstances.

#### **8.4.4 Minor Variances and Permission** (Amended by OPA No. 20)

The Township shall appoint a Committee of Adjustment pursuant to the Planning Act to consider minor variances and permissions to the Zoning Bylaw. Applications shall be evaluated by the Committee in accordance with the following:

- a) whether the variance is minor;
- b) whether the general intent and purpose of this Official Plan and the County of Elgin Official 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 subject lands and neighbouring lands.

In granting applications for minor variances or permissions, conditions may be imposed where the Committee deems it advisable to ensure the intent of the above-noted criteria are satisfied or are capable of being satisfied.

#### **8.4.5 Holding (h) Symbol Policies**

- 8.4.5.1 It is the policy of the Township of Malahide to utilize Holding (h) symbols in zoning by-laws pursuant to the provisions of the Planning Act. Properties may be zoned for their intended use and the holding symbol “(h)” will be added after the zone symbol so as to indicate that the development of the identified lands cannot proceed until the holding symbol is removed.
- 8.4.5.2 Holding (h) symbols will generally be utilized on lands intended for development in the Villages, Hamlets, and Suburban Areas of the Township.
- 8.4.5.3 Holding (h) symbols will not affect the existing use(s) of land provided those use(s) are carried on without a significant period of interruption.
- 8.4.5.4 Expansion of existing livestock uses and the establishment of new livestock uses on lands subject to Holding (h) symbols in the Villages, Hamlets, and Suburban Areas will however be prohibited. Those livestock uses in the Villages, Hamlets, and Suburban Areas existing at the time of approval of this Plan shall be considered non-conforming uses. Any proposal for the extension or enlargement of such a use shall be processed subject to the appropriate sections of the Planning Act.
- 8.4.5.5 Removal of a Holding (h) symbol from any land use zone will be conditional upon satisfying certain requirements of the Township regarding the development of the land. Such conditions may include, but not be limited to, the satisfying of certain financial and servicing requirements specified in a subdivision or development agreement entered into between a developer and the Township, or by fulfilment of conditions of severance.

- 8.4.5.6 Prior to removal of any Holding (h) symbol, Council shall be satisfied, that all conditions of any agreement have been met by the applicant or proponent, and the policies of this Plan have been met or fulfilled. The Holding (h) symbol shall be removed by by-law passed under Section 36 of the Planning Act. Notice shall be given by Council when a Holding (h) symbol is to be removed by by-law, and there can be no objection or referral to the Ontario Municipal Board. However, should Council refuse to pass an amending by-law to remove the holding symbol (ie. if Council determines that a development is premature or does not meet a requirement of this plan, or of a subdivision or development agreement or a condition of severance), the applicant or proponent may appeal the refusal of Council to the Ontario Municipal Board in accordance with the provisions of the Planning Act.

## **8.5 Amendments, Pre-Consultation, Complete Applications and Public Consultation** (Amended by OPA No. 20)

### **8.5.1 Amendments**

Amendments to this Plan shall be considered in response to changing or evolving circumstances and conditions within, or affecting, the Township; 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 Township and in direct response to applications advanced by landowners and developers.

### **8.5.2 Pre-Consultation**

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

### **8.5.3 Complete Applications**

Where a person or public body requests an amendment to the Plan, the Township may require additional information and supporting documentation that it considers necessary for a complete application and to make a decision on the request over and above what is required by the Planning Act and regulations thereto.

Without limiting the generality of the foregoing, supporting documentation may include any or all of the following:

- Topographic Survey
- Servicing Report
- Hydrogeological Report
- Land Use Compatibility
- Geotechnical Report
- Environmental Impact Study (E.I.S.)
- Traffic Impact Study
- Conceptual Stormwater Management Plan
- Tree Survey and Preservation Plan
- Archeological Assessment
- Natural Heritage Assessment
- Natural Hazards
- Noise Analysis
- Vibration Analysis
- Shadow Study
- Odours, Dust and Nuisance Impacts
- Cultural Heritage Impact Analysis
- Built Heritage Impacts
- Record of Site Conditions (RSC)
- Planning Justification Report

#### **8.5.4 Public Consultation**

The Township shall comply with the minimum notification and circulation requirements of the Planning Act for informing the public of matters requiring approval under the Act. Where significant public interest or concern is apparent, the Township may undertake additional measures to increase public awareness and opportunities for engagement, to inform the public of emerging planning issues, to facilitate access to planning-related information and to convene nonstatutory public open houses, forums and ‘town-hall’ meetings where considered appropriate. Should potentially contentious issues arise, Council may schedule additional meetings prior to the required statutory meeting.

### **8.6 Plans of Subdivision / Condominium**

#### **8.6.1 Policies**

- 8.6.1.1 Plans of subdivision will generally be required where five or more lots are being proposed, and/or a new public street is required to accommodate the development.
- 8.6.1.2 Only those plans of subdivision which conform to the policies of this Plan and the requirements of the Planning Act, shall be recommended for approval to the Minister of Municipal Affairs and Housing by the Township Council. The policies of this Plan and the requirements of the Township of Malahide regarding plans of subdivision will be implemented primarily through a subdivider’s agreement between the Township and the subdivider, and through the application of the Zoning By-law.

- 8.6.1.3 Plans of condominium will be permitted in any residential land use designation subject to the requirements of the Planning Act. The Township may request certain reasonable conditions of approval to ensure viability of the condominium corporation and to ensure the interests of the Township at large are maintained. Such conditions will be referred to the approval authority and may be enforced through a development agreement between the proponent and the Township.

**8.6.2 Deeming By-laws** (Added by OPA No. 20)

The Township 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 where such plans comprise lots having substantially less frontage and/or area than required by the Zoning By-law and where development would be detrimental to and not in keeping with neighbouring uses.

**8.6.3 Part Lot Control** (Added by OPA No. 20)

Where lands comprise part of a registered plan of subdivision, the Township may, in accordance with the Planning Act, adopt a part lot control by-law to create new lots where it can be demonstrated that any conditions appropriate to the creation and development of such lots are capable of being implemented.

**8.7 Consents and the Creation of New Lots**

**8.7.1 Policies**

- 8.7.1.1 The granting of consents to sever and convey land in the Township of Malahide shall continue to be the responsibility of the Elgin County Land Division Committee.
- 8.7.1.2 Township Council or their delegated authority shall provide comments to the Elgin County Land Division Committee on all applications for consent to sever and convey land in the Township of Malahide.
- 8.7.1.3 A consent shall only be granted if the purpose for which the lands subject to the consent are to be used is in conformity with this Plan and the provisions of the Zoning By-law, and, when it is clear that a plan of subdivision need not be registered. Where a consent contravenes this Plan or the Zoning By-law, no consent shall be granted unless the Plan and/or the Zoning By-law is amended and approved

accordingly.

- 8.7.1.4 The policies of this Plan and the requirements of the Township regarding consents may be implemented through a site plan agreement between the Township and the applicant pursuant to the Planning Act.
- 8.7.1.5 A consent shall only be granted for mortgage purposes where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if the mortgage is foreclosed and a separate lot is created.
- 8.7.1.6 A consent shall only be granted for the purposes of settling an estate where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if the estate is settled and a new lot or lots are created.
- 8.7.1.7 Consents for lot adjustments, lot additions, minor boundary changes, easements and rights-of-way, or correction of title are permitted in any land use designation, provided the severed and retained parcels comply with the other applicable requirements of this Plan, and the Zoning By-law.
- 8.7.1.8 In the event a consent is granted which does not conform to the policies of this Plan, the Township Council may appeal the decision to the Ontario Municipal Board.
- 8.7.1.9 Consents abutting or adjacent to a Provincial Highway must meet the Ministry of Transportation policies and guidelines for access and are subject to Ministry of Transportation permit approval. Consents abutting or adjacent to a County Road must meet the County of Elgin's policies and guidelines for access and may be subject to County approval.

## **8.8 Maintenance and Occupancy Standards By-law**

### **8.8.1 Goal**

The Township shall endeavour to keep in a fit and well-maintained condition all municipally-owned properties and structures, and to provide or maintain in good repair such municipal services as roads,

sidewalks, water and sewage facilities, and landfill sites.

#### **8.8.2 By-law**

The Township may pass by-laws pursuant to the Planning Act, to establish minimum standards of maintenance and occupancy, and to conserve, sustain and protect existing and future development. The maintenance and occupancy by-law, applicable to all property within the Township may contain requirements with respect to:

- a) Garbage disposal and pest prevention;
- b) Structural maintenance, safety and cleanliness of buildings;
- c) Services to buildings including plumbing, heating and electricity;
- d) Keeping properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- e) Maintaining yards, lands, parking and storage areas, fences, swimming pools, accessory buildings, and signs;
- f) Occupancy standards.

#### **8.8.3 Property Standards Officer**

The Township shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Maintenance and Occupancy Standards By-law, and a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.

### **8.9 Municipal Services, Public Works Programs and Public Health**

#### **8.9.1 Policies**

- 8.9.1.1 It is intended that the construction of public works and the construction of municipal services in the Township shall be carried out in accordance with the policies of this Plan.
- 8.9.1.2 The Township Council may participate, from time to time, in the Community Improvement programs of the Province of Ontario in accordance with the policies of Section 6.0 of this Plan.

- 8.9.1.3 The Township Council may at its discretion, circulate proposed Official Plan and Zoning By-law Amendments, and land use and development proposals to the Elgin-St. Thomas Health Unit for their review and comments related to any potential public health significance.

## **8.10 Phasing of Development**

The phasing and priority of development within the Township shall be determined by the policies contained in this Plan, the adequacy of existing services, and the feasibility of extending existing services or constructing new services.

## **8.11 Ontario Building Code**

The Township shall enforce the provisions of the Ontario Building Code in order to ensure necessary standards of construction in new development or in the extension or enlargement to existing development.

## **8.12 Legislation Pursuant to the Municipal Act**

It is intended that the Township shall review existing legislation pursuant to the Municipal Act governing such uses as automobile wrecking yards, mobile or transient vendors, sanitary landfill sites, dumps, pits and quarries, trailers, and signs, and, where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such uses are properly regulated and controlled.

## **8.13 Official Plan Review**

### **8.13.1 Policies**

- 8.13.1.1 This Plan shall undergo a comprehensive review approximately every five years following its approval by the Minister to ensure:

- a) that it remains responsive to changing conditions and circumstances affecting the Township of Malahide, including any revisions to policies or land use designations related to population growth and employment areas; and
- b) that it conforms with Provincial Plans; has regard for matters of Provincial interest; and is consistent with the Provincial Policy Statement.
- c) The Municipality's goals and objectives as outlined in Section 1.0 are reviewed for effectiveness.



8.13.1.2 The Plan may be amended from time to time upon due consideration of:

- a) The need for the proposed amendment;
- b) The effect of the proposed amendment on the matters contained within the Plan;
- c) The effect of the proposed amendment, if site-specific in nature, on other properties or land uses in the area(s) affected by the amendment;
- d) The effect of the proposed amendment on the economic, social and physical base of the Township.

8.13.1.3 Reviews and amendments to this Plan shall be processed in accordance with the policies of this Plan and the Planning Act.

#### **8.14 Temporary Use By-laws** (Amended by OPA No. 20)

The temporary use of land, buildings and structures may be authorized by the Township, for renewable periods of up to three years, 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' without an amendment to this Plan. The temporary use by-law shall reference the area affected and specify the duration of time for which the use will be permitted by the by-law. Upon the expiration of the time period(s) authorized by the by-law, the uses, buildings and structures that were permitted under the by-law cannot be continued as legally non-conforming uses, buildings and structures.

For applications to permit the temporary use of land, the Township shall have regard to the following circumstances and criteria:

- 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 constraints 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.

- h) where a mobile home is permitted for temporary residential accommodation pending completion of a permanent dwelling, or where a travel trailer is permitted for use as a site office, or for accommodation for a caretaker or watchman during a construction project, satisfactory assurances that the mobile home or travel trailer will be removed upon completion of construction.

## **8.15 Site Plan Control**

8.15.1.1 The Township of Malahide designates the entire Township as a site plan control area pursuant to the Planning Act, except for the following exempted areas and/or uses:

- a) (Amended by OPA No. 20) Residential buildings comprised of less than 2 dwelling units shall not be subject to site plan control, however, the establishment of either a mobile home park or a seasonal travel trailer park shall be subject to site plan control, regardless of the number of dwelling units contained therein;
- b) (Amended by OPA No. 20) Farm buildings and structures shall not be subject to site plan control; however, the establishment of commercial grain drying operations and intensive livestock operations may be subject to site plan control where Township Council determines that a potential land use conflict may exist.

Notwithstanding farm buildings and structures are exempt, they may be subject to site plan if deemed necessary through evaluations of planning applications including, but not limited to, a Minimum Distance Separation (MDS II) or other setback reduction request.

8.15.1.2 The Township of Malahide adheres to the following objectives in the use of site plan control:

- a) To ensure safety and efficiency of vehicular and pedestrian traffic;
- b) To minimize land use incompatibility between new and existing development;
- c) To provide functional and attractive on-site facilities such as landscaping and lighting;
- d) To control the placement and provision of required services such as driveways, parking, loading facilities and garbage collection;
- e) To secure easements or grading and alterations necessary to provide for public utilities and site drainage; and
- f) To ensure that the development proposed is built and maintained as approved by council.

8.15.1.3 (Added by OPA No. 20) The Township 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.

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