

Official Plan

of the

Municipality of Bayham

Shaping Our Future



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TABLE OF CONTENTS

TABLE OF CONTENTS	i
TERRITORIAL ACKNOWLEDGEMENT	v
Section 1 – INTRODUCTION	
1.1 Purpose of this Plan	1-1
1.2 Background	1-2
1.3 Planning Context	1-2
1.4 Structure of this Plan	1-3
1.5 How to Read this Plan	1-4
1.6 Required Conformity	1-4
Section 2 – GROWTH MANAGEMENT & COMMUNITY STRUCTURE	
2.1 Bayham Structure Plan	2-1
2.2 Settlement Areas	2-1
2.3 Strategic Employment Areas	2-5
Section 3 – THE RURAL AREA	
3.1 Composition of the Rural Area	3-1
3.2 General Development Policies	3-2
3.3 Agricultural Area Designation	3-7
3.4 Estate Residential Designation	3-18
3.5 Mobile Home Parks Designation	3-20
3.6 Seasonal Travel Trailer Parks and Campgrounds Designation	3-21
3.7 Institutional Designation	3-21
3.8 Commercial / Highway Commercial Designation	3-22
3.9 Recreational Designation	3-23
3.10 Industrial Designation	3-23
3.11 Conservation Lands Designation	3-25
3.12 Licensed Pits and Quarries	3-27
Section 4 – SETTLEMENT AREAS	
4.1 Composition of Settlement Areas	4-1
4.2 General Development Policies	4-1
4.3 Hamlets	4-10

4.4	Villages	4-14
4.5	Mobile Home Parks	4-20
4.6	Seasonal Travel Trailer Parks	4-22

Section 5 – THE NATURAL SYSTEM

5.1	Composition of the Natural System	5-1
5.2	General Policies	5-1
5.3	Identification of the Natural System	5-2
5.4	Watershed Planning	5-4
5.5	Significance & the Natural System	5-5
5.6	Permitted Uses	5-5
5.7	Development In & Adjacent to Wetlands	5-6
5.8	Development In & Adjacent to Other Natural System Features	5-6
5.9	Destruction & Alteration of the Natural System	5-7
5.10	Development in Fish Habitat & the Habitat of Threatened or Endangered Species	5-7
5.11	Development & Surface Water Features	5-7
5.12	Development & Ground Water Features	5-8
5.13	Increasing Forest Coverage	5-9
5.14	Land Division & the Natural System	5-10

Section 6 – TRANSPORTATION & INFRASTRUCTURE SYSTEMS

6.1	Composition of the Transportation & Infrastructure System	6-1
6.2	Transportation & Infrastructure Permitted Uses	6-1
6.3	Transportation Systems	6-2
6.4	Water, Sewage and Stormwater Systems	6-7
6.5	Source Water Protection	6-12
6.6	Energy Systems	6-14
6.7	Linear Infrastructure Corridors	6-17
6.8	Telecommunications Facilities	6-17
6.9	New or Expanding Waste Management Operations & Waste Disposal Sites	6-18

Section 7 – NATURAL RESOURCE MANAGEMENT AREAS

7.1	Permitted Uses	7-1
7.2	Existing, New or Expanding Extraction Operations	7-1
7.3	Extraction Operations in the Agricultural Area	7-4
7.4	Rehabilitation of Extraction Operations	7-4
7.5	Petroleum Resources	7-5

Section 8 – DEVELOPMENT HAZARDS

8.1	Composition of Development Hazards	8-1
8.2	General Policy	8-1
8.3	Role of Conservation Authority	8-2
8.4	Identification of Hazardous Lands and Sites	8-2
8.5	Permitted Uses	8-2
8.6	Hazardous Lands and Sites	8-2
8.7	Floodplains	8-3
8.8	Dynamic Beach Hazards	8-5
8.9	Erosion Hazards	8-5
8.10	Docks and Waterfront Structures	8-6
8.11	Public Road Access	8-6
8.12	Hazardous Lands & Climate Change	8-7
8.13	Development Subject to a Planning Act Approval	8-8
8.14	Development & Waste Disposal Sites	8-8
8.15	Contaminated or Potentially Contaminated Sites	8-10
8.16	Oil, Gas, and Salt Hazards & Former Natural Resource Extraction Operations	8-10
8.17	Wildland Fire Hazards	8-10
8.18	Abandoned Petroleum Wells	8-11

Section 9 – GENERAL POLICIES

9.1	Economic Development	9-1
9.2	Housing	9-2
9.3	Cultural Heritage	9-7
9.4	Climate Change	9-10

Section 10 – SPECIFIC POLICY AREAS

10.1	Specific Policy Area No. 1 – Elliott Road	10-1
10.2	Specific Policy Area No. 2 – Port Burwell Harbour	10-1
10.3	Specific Policy Area No. 3 – Chateau Wyndemere	10-1
10.4	Specific Policy Area No. 4 – New England	10-2
10.5	Specific Policy Area No. 5 - 10729 Plank Road	10-2
10.6	Specific Policy Area No. 6 – 53443 Heritage Line	10-2
10.7	Specific Policy Area No. 7 – 54728 Best Line	10-3
10.8	Specific Policy Area No. 8 – 55106 Vienna Line	10-3
10.9	Specific Policy Area No. 9 – 53291 Nova Scotia Line	10-3

10.10	Specific Policy Area No. 10 – 4964 and 4968 Plank Road	10-3
10.11	Specific Policy Area No. 11 – 56237 Chute Line	10-4
10.12	Specific Policy Area No. 12 – 2 Robinson Street and 3 Erius Street	10-4
10.13	Specific Policy Area No. 13 – 55032 Vienna Line	10-4
10.14	Specific Policy Area No. 14 – 55942 Maple Grove Line	10-4
10.15	Specific Policy Area No. 15 – Tier I & II Settlement Areas	10-5

Section 11 – IMPLEMENTATION

11.1	Delegation of Authority	11-1
11.2	Monitoring and Review of the Official Plan	11-1
11.3	Consultation and Participation	11-3
11.4	Interpretation	11-4
11.5	Pre-Consultation and Complete Application Requirements	11-6
11.6	Planning Administration and Tools	11-10
11.7	Property Acquisition, Parkland Dedication, and Disposal of Surplus Lands	11-22
11.8	Community Benefits Charges	11-25
11.9	Reference to Legislation, Policies, & Guidelines	11-25
11.10	Discrepancies in the Plan	11-25

SCHEDULES / APPENDICES

Schedule “A”	– Bayham Structure Plan
Schedule “B”	– Land Use Plan
Schedule “B1”	– Straffordville: Land Use and Constraints Plan
Schedule “B2”	– Vienna: Land Use and Constraints Plan
Schedule “B3”	– Port Burwell: Land Use and Constraints Plan
Schedule “C”	– The Natural System
Schedule “D”	– Richmond: Water Resources
Appendix “1”	– Development Hazards
Appendix “2”	– Natural Resource Management Areas

TERRITORIAL ACKNOWLEDGEMENT

The Municipality of Bayham recognizes that reconciliation is both an individual and collective process. As a municipal government and a leader in our communities, we commit to learning about our shared history with Indigenous communities.

It is acknowledged that the Municipality of Bayham is located on the Traditional Territory and Ancestral Lands of the Anishinabek and Haudenosaunee Peoples who have a longstanding relationship with the land and water throughout the region. The Municipality of Bayham is located on lands covered by the Between the Lakes Treaty territory (Treaty 3, 1792).

As a Municipality, we have a responsibility for reconciliation and the continued stewardship of the land on which we live and work and a commitment to the Truth and Reconciliation calls to action. The Municipality commits to working with Indigenous and non-Indigenous partners to support the ongoing work of truth, reconciliation, and healing. We commit to continue learning, reflecting on our past, and working in allyship.

1 INTRODUCTION

The Official Plan contains policies to guide growth and development in the Municipality of Bayham to the year 2054. This new Official Plan sets out the urban and rural structure and provides updates to the land use designations, policies, and schedules; pursuant to Section 26 of the *Planning Act*, has regard for matters of provincial interest in Section 2 of the *Planning Act*, is consistent with the Provincial Planning Statement, and is in conformity with the County of Elgin Official Plan.

1.1 Purpose of this Plan

An Official Plan is a strategic document that describes how and where a municipality will grow over a 30-year planning horizon. In Ontario, an Official Plan is adopted under the authority of the *Planning Act* as a document approved by the County of Elgin (being the upper-tier government), that contains objectives and policies to guide the physical development of a municipality, while having regard for relevant social, economic, built, and natural environmental matters. Where an Official Plan is in effect, no public work is to be undertaken, and no by-law passed for any purpose unless it is in conformity with the Official Plan.

The purpose of this Official Plan is to position the Municipality of Bayham within the land use planning framework of the Province of Ontario and County of Elgin, providing clear goals, objectives, policies, and indicators to guide development, monitor growth, and manage land use. Based on census data released by Statistics Canada in 2021, the population of the Municipality of Bayham is 7,096. Based on the *Population, Housing and Employment Forecasts and Associated Land Needs Analysis, June 2022* prepared for the County of Elgin's Official Plan review, the population of the Municipality is projected to grow to 8,560 by the year 2051. It was further identified in the analysis that the Municipality of Bayham has a 93.2 hectare surplus of residentially designated land between the Tier I Settlement Areas of Vienna and Port Burwell. This means the Municipality currently has 93.2 hectares of residentially designated lands greater than what is required to accommodate the projected population growth of 1,270 people between the years 2021-2051. This Official Plan incorporates policies to guide and manage this projected growth within the Municipality. This Official Plan incorporates policies to guide and manage this projected growth within the Municipality.

In line with the Municipality's strategic directions, this Plan works alongside other Municipality of Bayham plans, initiatives, and implementation tools to support a successful, flexible, and resilient municipality. The Municipality of Bayham is an inclusive place for people to live, work, and play in the context of its small-town and rural

character and this Plan sets the framework for growth and development to benefit that character.

1.2 Background

The Corporation of the Municipality of Bayham occupies 248 km² on the north shore of Lake Erie, at the eastern end of Elgin County. The Municipality came into existence in 1998 as an amalgamation of the three separate municipalities formerly known as the Township of Bayham, the Village of Port Burwell, and the Village of Vienna.

Prior to 1983, the three municipalities were members of the East Elgin Planning Area as defined by the Treasurer of Ontario in 1973. The planning area also included the Township's of Malahide and South Dorchester, and the Village of Springfield. 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 *Planning Act, 1983*, the East Elgin Planning Area ceased to exist. Eventually all six of the municipalities in East Elgin adopted individual Official Plans.

The first Official Plan for the Municipality of Bayham was adopted on July 5, 2001, and approved August 16, 2002, repealing the various pre-amalgamation Official Plans. Since 2002, numerous amendments to the Official Plan were necessitated by changing local circumstances and planning legislation and plans established by the Province of Ontario, with the previous five-year review occurring on February 12, 2019. This Official Plan repeals and replaces the previous Official Plan in its entirety.

1.3 Planning Context

The planning framework in the Municipality of Bayham is largely influenced by higher levels of government, as enabled by the *Planning Act*. The Province of Ontario provides broad policy direction to which municipalities must be consistent and conform. As a lower-tier government under the County of Elgin, the Municipality of Bayham provides specific policy direction to implementing Provincial legislation and County plans. Within this framework, Bayham is the lower-tier government, responsible for providing detailed planning policies tailored toward the Municipality's unique context. The following provides describes the regulatory framework:

- a) **Provincial Level** - The Province of Ontario establishes the planning system used throughout the entire province. This system is composed primarily of: the *Planning Act*, which establishes the legislative basis for planning in the province; the Provincial Planning Statement (or PPS), which establishes the policy basis for planning in Ontario; provincial plans including regional growth plans (where applicable); and various ministerial guidelines, implementation policies, and regulations that implement the policies found in the PPS and provincial plans. All planning decisions in Ontario must 'be consistent' with the direction of the PPS and must conform to the provisions of the *Planning Act*. The Province is the approval authority of the County Official Plan, and any amendments to it.

- b) **County Level** – The County of Elgin is mandated by the Province to maintain a county-wide official plan, and to act as approval authority for local official plans and official plan amendments, as well as all forms of land division. The County’s planning system is composed primarily of: the County Official Plan and the County’s authority to permit land division (severances, plans of subdivision / condominium, etc.). All planning decisions made in the County of Elgin must conform to the County Official Plan, and all other applicable by-laws.
- c) **Local Level** – The Municipality of Bayham is responsible for all other aspects of the planning system. The local planning framework is primarily composed of: the Municipality of Bayham Official Plan that provides detailed / neighbourhood level planning policies; Municipality of Bayham Zoning By-law to implement both the local and County official plans; and site plan control by-laws. In some cases, the local framework may also include: community improvement plans, secondary plans, development charge by-laws, and parkland dedication by-laws. All decisions made in the Municipality of Bayham must conform to the County Official Plan, Bayham Official Plan, Zoning By-law, and all other applicable by-laws.

Prior to proceeding with any development application, a development proponent should ensure they familiarize themselves with Ontario’s overall planning framework or retain a qualified professional in the field of urban and regional planning to assist with understanding and addressing the relevant components of the overall planning system.

1.4 Structure of this Plan

This Plan is composed of eleven (11) sections (Section 1 to 11) and Schedule/Appendices as follows:

Section 1: Introduction - provides an overview of the purpose, background and organization of the Official Plan.

Section 2: Growth Management & Community Structure - provides policies related to growth management and the Municipality’s land use structure, notably Settlement Areas, Rural Area, and Strategic Employment Areas.

Section 3: The Rural Area – provides detailed policies to protect the Rural Area, including land use policies for the Agricultural Area and non-agricultural use designations.

Section 4: Settlement Areas - provides detailed policies related to the Settlement Area, including the land use designations which specifies the type, scale and form of development and range of uses appropriate for each land use designation.

Section 5: The Natural System - provides policies that protect the natural heritage system and their hydrologic and ecological functions from adverse environmental impact.

Section 6: Transportation & Infrastructure Systems – provides policies that provide for the integrated development of appropriate, safe, and effective transportation and infrastructure systems, including local and county roads, provincial highways, railways, marine ports, water systems, wastewater systems, stormwater management systems, waste management operations, telecommunications facilities, energy generation facilities, and linear infrastructure corridors.

Section 7: Natural Resource Management Areas - provides policies on the natural resources in the Municipality, including extraction of mineral, petroleum, mineral aggregate, and salt resources.

Section 8: Development Hazards – provides policies to avoid or mitigate potential negative impacts to public health and safety and risks to property and infrastructure due to natural and human-made hazards in the Municipality.

Section 9: General Policies - provides policies for the entire Municipality and are not specific to designated areas of land with respect to Economic Development, Housing, Cultural Heritage, and Climate Change.

Section 10: Specific Policy Areas – provides a list of “Specific Policy Areas” pertaining to Site-Specific Official Plan Amendments that have been approved to date.

Section 11: Implementation - describes the mechanisms and processes for the administration and implementation of the Official Plan.

Schedules / Appendices – provides the maps (known as Schedules or Appendices) that illustrate the various lands uses, as well as features which impact, or are impacted by land uses, including natural environmental features, hazardous lands and sites, natural resources, and the transportation network.

1.5 How to Read this Plan

Each Section of this Plan is structured around the general policies and composition, followed by implementing policies and maps. After assessing each applicable designation, map, and policy, the reader should refer to the Plan’s implementing policies and processes to understand how the Plan will be implemented and applications reviewed. This Plan is intended to be read in its entirety and the relevant parts are to be applied to each situation. In most cases, multiple components of this Plan will be relevant to a given situation, and as such, they will need to be considered jointly. There is no implied priority in the organization of this Plan.

1.6 Required Conformity

As per the requirements of the *Planning Act*, Municipal Council shall not undertake any public work or pass any by-law that does not conform to the intent and policies of this Official Plan. It is intended that this Plan will be reviewed and updated to reflect refinements in managing growth and to remain in conformity with Provincial and County plans and policies.

2 GROWTH MANAGEMENT & COMMUNITY STRUCTURE

Growth management refers to the way in which the Municipality of Bayham oversees long-term changes in population and economic activity to ensure the efficient use of land, resources, and public infrastructure investment. This is based on the recognition that the Municipality’s long-term prosperity, environmental health, and social well-being depends on wisely managing change and promoting efficient land use and development patterns.

2.1 Bayham Structure Plan

Schedule “A” of this Plan constitutes the Bayham Structure Plan and illustrates the urban boundaries of the Settlement Areas and the Strategic Employment Areas where population and employment growth are planned to be accommodated in the Municipality until 2054. Due to historical planning approvals, the lands contained within these urban boundaries have the capacity to accommodate more population and employment growth than the Municipality is projected to need by 2054.

2.2 Settlement Areas

2.2.1 *Hierarchy of Settlement Areas*

Within the Bayham Structure Plan, a hierarchy of settlement areas and their associated urban boundaries have been established based on the scale, function, and the level of services that exist. This hierarchy is comprised of three tiers of settlement areas, as detailed below:

- a) **Tier I Settlement Areas** – generally have the largest populations in the Municipality, full municipal services (municipal water and sewage services), and the highest levels of amenities and employment opportunities. Given the level of infrastructure provided in these settlement areas and their ability to accommodate growth, this Plan directs most new growth to these settlement areas. Tier I Settlement Areas include the Village of Vienna and Port Burwell.
- b) **Tier II Settlements Areas** – includes those settlement areas which are generally smaller in population than Tier I Settlements. Tier II Settlements have partial municipal services (municipal sewage services and private water system), and limited amenity levels and employment opportunities. Limited development is permitted in these settlement areas given the absence of full municipal services and the lower levels of amenity and employment. Tier II Settlement Areas include the Village of Straffordville and Hamlet of Eden.

- c) **Tier III Settlements Areas** – are generally composed of the smallest communities in the Municipality. They are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Development in these settlements is limited to minor infilling and rounding out of the existing built area given the absence of full municipal services and limited urban amenities and employment opportunities. Tier III Settlement Areas include the Hamlets of Corinth, North Hall, Richmond, and Calton. Notwithstanding Subsection 2.2.1.b), the Hamlet of Richmond, despite having partial municipal services (municipal water system and individual sewage services), is identified as a Tier III Settlement Area for the purpose of this Plan.

2.2.2 Settlement Area Expansions & Establishing New Settlement Areas

To help ensure the efficient use of the Municipality’s existing urban land base, the establishment of new settlement areas is not permitted, and no expansions of Tier II or III settlement areas shall be permitted until full municipal services are available to service that settlement area. Proposals to expand a Tier I settlement area boundary shall be considered through an amendment to this Plan which:

- a) must demonstrate there is an insufficient supply of lands to accommodate 30-years’ of urban growth through a review and analysis of the Municipality’s population and employment projections and land needs assessments;
- b) analyzes the existing land supply and demonstrates that any proposed expansion will not adversely impact or undermine achieving the Municipality’s intensification and redevelopment target;
- c) includes an options analysis reviewing alternative growth directions to determine how best to accommodate future development;
- d) confirms the financial viability of expanding infrastructure and public service facilities to any proposed urban expansion lands;
- e) confirms that there is sufficient reserve capacity available in the sanitary sewage and drinking water systems, or will imminently be available, to be allocated to any proposed urban expansion lands, above what has already been allocated to existing designated lands;
- f) confirms that any proposed urban expansion lands do not include specialty crop areas, as defined by provincial policy;
- g) confirms that there are no reasonable alternatives which avoid prime agricultural lands being included in the proposed urban expansion lands;
- h) assesses potential impacts on agricultural operations and the agricultural system as a result of the expansion, and subsequently confirms that these impacts can be mitigated to the extent feasible;

- i) assesses potential impacts on the Natural System as a result of the expansion and demonstrates that there will be no negative impacts on the system’s ecological features and functions;
- j) considers cross-jurisdictional issues including any servicing or access arrangements with adjacent municipalities; and,
- k) demonstrates that the proposed expansion lands will:
 - i. serve as a continuous and logical extension to the existing built-up area that does not ‘leapfrog’ over existing undeveloped tracts of land;
 - ii. provide for the integration of new development within the fabric of the existing built-up area from a community design, transportation, and open space perspective;
 - iii. be easily accessed by, and connected to, the existing transportation network; and,
 - iv. be located so that it can benefit from existing community facilities or alternatively, be serviced by new community facilities that are developed in a timely manner.

2.2.3 *Settlement Area Boundary Adjustments*

Notwithstanding the requirements of Subsections 2.2.2, adjustments of a settlement area boundary may be permitted through an amendment to this Plan, and shall demonstrate:

- a) there would be no net increase in land within the Municipality’s settlement areas;
- b) the adjustment would support the ability to meet the Municipality’s intensification and redevelopment target;
- c) the lands subject to the adjustment do not comprise specialty crop areas;
- d) the proposed adjustment complies with the minimum distance separation formulae (see Subsection 3.2.8 for more information);
- e) impacts on agricultural operations which are adjacent or close to the proposed adjustment are mitigated to the extent feasible; and,
- f) the locational criteria established in Subsection 2.2.2.k) are met.

2.2.4 *Phasing of New Development in Designated Growth Areas*

Designated growth areas refers to lands within the Municipality’s settlement areas that are designated in an official plan for growth, but which have not yet been fully developed (e.g., undeveloped, or vacant lands designated for residential, employment, or commercial uses). To ensure that growth

management policies of this Plan are achieved, the following phasing policies shall apply for designated growth areas:

- a) Ensure that new development extends logically from existing built-up areas;
- b) Ensure the orderly progression of new development and the timely provision of the infrastructure and public service facilities required to accommodate it;
- c) Where there is fragmented land ownership, ensure the efficient use of land by requiring the consolidation of development parcels, or by requiring the development of a master plan or secondary plan;
- d) Address circumstances where cost-sharing, front-ending, or other financial contributions are required for the extension or upgrading of infrastructure and servicing; and,
- e) Address Subsection 6.4.3 of this Plan with respect to the allocation and phasing of servicing.

2.2.5 Residential Intensification & Redevelopment

Intensification and redevelopment of existing residential areas is a key strategy to managing growth in the Municipality and ensuring the efficient use of land and infrastructure. As directed by the County Official Plan, the County will target 16% of all new residential development to be achieved through intensification and redevelopment. To assist the County in achieving this target, while also respecting urban character, it is the intent of this Plan to support residential intensification and redevelopment in Settlement areas where appropriate and in accordance with the following policies, in addition to the policies of Section 6 and all other policies of this Plan:

- a) Encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services
- b) The Municipality may ‘up-zone’ or ‘prezone’ sites for residential intensification and redevelopment in the implementing Zoning By-law.
- c) Targets for residential densities will be outlined in the individual land use designations of this Plan;
 - a) The permitted forms of residential intensification development shall only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas;
 - 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 up to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems; and,
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in this Plan, the Municipality 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. For street infilling, the proposal is consistent with Subsection 4.3.3.2.a), and with the established building line and setbacks of the surrounding area;
 - iii. For rear yard infilling, the proposal is consistent with Subsection 4.3.3.2.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; and,
 - iv. For infill subdivisions, the proposal is consistent with Subsections 4.3.3.2.a) and c); and measures will be undertaken through a subdivision agreement, to buffer and screen the development from surrounding residential uses.

2.3 Strategic Employment Areas

It is recognized that industries such as manufacturing, processing, the trades, research and development, and distribution and logistics, will continue to be major drivers of economic growth in the Municipality. It is also recognized that certain major employment areas in the Municipality are of importance not just to the local economy, but to the broader regional and/or the provincial economy. As such, it is imperative that these strategic employment areas be identified and protected from conversion and incompatible development. Strategic Employment Areas are delineated on Schedule "A" of this Plan and are:

- a) large in scale and designed to accommodate large industrial users and/or operations with significant employment requirements;
- b) located in close proximity to major transportation corridors or routes, including highways, railways, airports, and marine ports; and
- c) ideally serviced by both municipal water and sanitary sewer service.

2.3.1 *Conversion of Employment Areas*

2.3.1.1 As noted in Subsection 2.3 of this Plan, it is the intent of this Plan that strategic employment areas be protected from conversion and incompatible development. To that end, the Municipality will not permit the conversion of lands in Strategic Employment Areas to other uses except where it is demonstrated that:

- a) the proposed conversion is minor and located on the periphery of the employment area;
- b) there is an immediate need and identified user for the conversion;
- c) the proposed use will not adversely affect the overall viability of the employment area;
- d) existing or planned infrastructure and public service facilities are available to accommodate the proposed development; and,
- e) the Municipality has sufficient employment lands to accommodate projected employment growth over the planning horizon of this Plan.

2.3.1.2 An amendment to this Plan will be required to permit the conversion of a strategic employment area to a non-employment designation.

2.3.2 *Uses Not Permitted in Strategic Employment Areas*

2.3.2.1 The following uses are not considered appropriate in strategic employment areas and will not be permitted:

- a) residential uses, commercial uses, public service facilities, and other institutional uses; and,
- b) retail and office uses that are not associated with the primary employment use; and,
- c) other sensitive land uses that are not ancillary to uses permitted in the employment area.

2.3.2.2 Nothing in the above is intended to prohibit accessory office or retail uses that form part of a larger employment operation such as administrative offices, showrooms, or factory outlets

2.3.3 *Other Employment Lands & Areas*

Other employment lands and areas are composed of individual parcels or smaller clusters of employment lands for small-scale industrial, manufacturing, and warehousing that can be located adjacent to, or co-located with, sensitive land uses without adverse effects. In these areas and lands limited commercial and retail uses that serve, or are directly related to, employment uses, as well as limited residential uses for 'live-work' arrangements may be permitted.

2.3.4 *Protection of Other Employment Lands & Areas*

It is the intent of this Plan to ensure that the Municipality has an adequate supply of employment land for a wide variety of employment uses. Recognizing the importance of all employment lands, proposals to convert lands within an employment designation that have not been identified as strategic to another type of land use will be generally discouraged and only permitted in accordance with provincial policy. An amendment to this Plan will be required to implement a non-strategic employment area conversion in accordance with the policies of this Plan.

2.3.5 *Compatibility, Employment Areas*

2.3.5.1 In accordance with provincial policy, on lands within 300 metres of any employment area (Strategic Employment Area or otherwise), development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas. To that end, where a sensitive land use is proposed within 300 metres of an employment area, the Municipality shall require a land use compatibility study to be completed, in accordance with provincial guidelines, assessing potential impacts and required mitigation measures on the employment lands and uses.

2.3.5.2 Where circumstances warrant, the Municipality may also require noise and vibration, odour, traffic or similar assessments to ensure potential impacts as assessed and mitigated.

3 THE RURAL AREA

The Rural Area is a foundational characteristic and defining feature of the Municipality of Bayham, both spatially and culturally. With some of the best soils in Canada and an extensive network of farming operations, processing facilities, and supporting industry, the Rural Area's agricultural industry is one of Bayham's most important economic engines. The long-term viability and resiliency of the Municipality's agricultural land base and operations also has provincial implications. To that end, the following objectives have been identified for the Rural Area:

- a) Preserve the agricultural and rural character of the Municipality;
- b) Identify and protect the Municipality's agricultural land base and protect agricultural operations from conflicting land uses;
- c) Ensure that lots are sized appropriately for servicing and sufficiently large enough to protect the rural character and maintain flexibility for the agricultural industry;
- d) Support a vibrant Rural Area by permitting appropriate and compatible on-farm diversified uses and agriculturally related uses; and,
- e) Encourage the use of environmental best practices for development and redevelopment.

3.1 Composition of the Rural Area

The Rural Area is composed of all lands outside of designated Settlement Areas and is made up of the following land use designations, as shown on Schedule "B" of this Plan:

- a) Agricultural Area, which constitutes the prime agricultural area under provincial policy;
- b) Estate Residential;
- c) Mobile Home Parks;
- d) Seasonal Travel Trailer and Campgrounds;
- e) Institutional;
- f) Commercial / Highway Commercial;
- g) Recreational;
- h) Industrial;
- i) Conservation Lands; and,
- j) Licenced Pits and Quarries.

3.2 General Development Policies

Development in the Rural Area shall first and foremost protect agricultural land, agricultural operations, resource extraction operations, natural heritage resources, and rural character. In addition to the other policies of this Plan, the following policies will direct development in the Rural Area:

- a) Where permitted, non-agricultural development shall avoid removing lands under active cultivation or pasture;
- b) Lots shall be sized not just to accommodate required water and sewage service but to protect rural character through minimum lot areas and building setbacks. Specifically, when located in the “Agricultural Area” designation, new lots will generally be a minimum of 40 ha or larger (for both the severed and retained parcels), except where a farm consolidation is permitted, and shall be in compliance with the regulations of the Zoning By-law;
- c) Where development proposes to permit other uses in addition to agricultural uses, the proponent shall be required to demonstrate that there is a sufficient supply of drinking water available, prior to the granting of any approval;
- d) Where development proposes to permit other uses in addition to agricultural uses, the proponent shall be required to conduct a soils analysis to determine the appropriate type of on-site sewage system;
- e) Development shall front onto, and will be directly accessed, by a public road that is maintained year-round by a public authority;
- f) Development will conform to the access policies of the relevant road authority;
- g) New development is encouraged to be planned and designed to mitigate and adapt to the impacts of climate change through incorporating sustainable construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development. For large development proposals, applicants may be required to demonstrate how this will be achieved; and,
- h) Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.

3.2.1 *Agricultural Operations & Land Base*

Being located amongst the rich agricultural soils of Southwestern Ontario, the Municipality’s agricultural sector has been foundational to the development of the Municipality and its economy. The regional and provincial importance of the Municipality’s agricultural operations to food security, and associated industries such as food processing, mean that protection of the Municipality’s agricultural land base and operations are of strategic importance to the Municipality. To that

end, agricultural operations and the agricultural land base shall be protected over the long term.

3.2.2 *Protecting the Agricultural System*

3.2.2.1 The agricultural system is comprised of inter-connected elements that collectively create a viable, thriving agricultural sector and includes agricultural lands, farming operations, agriculturally related uses, agri-tourism operations, supporting infrastructure, as well as employment uses that are related to, or rely on, agriculture (such as food processing). Due to the importance of the agricultural system to the Municipality's economy, it will be protected from development that may negatively impact its operations and its individual components.

3.2.2.2 New development shall be compatible with the Municipality's agricultural system and its individual components and should be designed to avoid, mitigate, or minimize negative impacts on the system or specific elements and operations in the system.

3.2.2.3 The Municipality recognizes the importance of water resources, topsoil, woodlots, and windbreaks for agricultural uses. Removal or alteration of trees and soil in the Municipality are subject to the regulations of the Zoning By-law and the County of Elgin Tree Cutting By-law. Landowners are encouraged to consult with the Conservation Authority on matters of large-scale tree planting.

3.2.3 *Protecting Against the Conversion of Agricultural Land*

The conversion of lands designated "Agricultural Area" to other uses shall be strongly discouraged. Any such request will require an Official Plan Amendment and Zoning By-law Amendment and be subject to the following policies:

- a) Requests to expand a settlement area boundary shall be considered in accordance with provincial policy and the policies of this Plan, recognizing the excess of residentially designated lands described in Subsection 1.1.
- b) Requests for new or expanded non-agricultural uses shall be subject to the policies of the Provincial Planning Statement for non-agricultural uses in prime agricultural areas and the applicable policies of Subsections 3.5 through 3.10 of this Plan.

3.2.4 *Protecting & Enhancing Rural Character*

3.2.4.1 The Municipality's rural character is defined by land uses and development patterns where farmlands, natural landscapes, and open spaces dominate. These patterns of land use and development support farming operations, agrarian and rural lifestyles, and rural- and resource-based economic activities. They also influence architectural styles that often reflect traditional farm vernacular,

nature, and/or landscapes, and are sited in ways that reinforce the pastoral nature of the Rural Area with expansive setbacks from neighbouring properties and roadways. The rural character in the Municipality will be protected by:

- a) Directing urban uses, and uses that do not rely on a rural location to Settlement Areas;
- b) Protecting agricultural and resource-based uses from encroachments that may negatively impact their operations;
- c) Avoiding urban land use densities for non-agricultural and non-resource extraction development; and
- d) Encouraging the use of design concepts that reference or reflect the traditional architectural styles and/or the landscape of the Rural Area.

3.2.4.2 Development in the Rural Area will protect and enhance this character and will prevent the urbanization or suburbanization of the countryside. Protection of rural character is not intended to require historic reproduction or to impede the efficiency of agricultural and resource-extraction operations, and to that end, innovative architectural styles and site layouts that protect the Municipality's rural character, while facilitating efficient operations, are encouraged.

3.2.4.3 Exceptions

While the protection and enhancement of Bayham's rural character is a primary consideration when evaluating new development, it is recognized that some flexibility in implementing these policies is desirable to reflect the individual circumstances of development proposals. To that end, the policies of Subsections 3.2.4.1 and 3.2.4.2 shall not apply to agricultural or resource-extraction uses, not subject to site plan control. In the case of proposals for agricultural or resource-extraction uses not subject to site plan control, applicants shall be encouraged to demonstrate how their proposal will be sensitively integrated with the surrounding context.

3.2.5 *Adaptive Reuse of Non-agricultural Uses*

Historical development in the Municipality has resulted in many instances of non-agricultural uses scattered across the Rural Area. These uses include schools, churches, municipal garages, gas stations, general stores, motels, and road-side diners. While some of these uses are still operational, some no longer serve their original function, or have been abandoned altogether. This Plan recognizes the value and utility these legacy developments have in supporting intended or alternative uses, and in reducing embodied carbon emissions from new construction. As such, the Municipality will generally support the adaptive reuse of these buildings subject to the other policies of this Plan, and may permit limited expansion of these developments that support their adaptive reuse.

Specific consideration shall be given to evaluating the impacts on rural character and agricultural operations when reviewing development applications for adaptative reuse of non-agricultural uses.

3.2.6 *Existing Designated Areas of Non-agricultural Uses*

The Municipality contains non-agricultural and non-resource extraction land use designations in the Rural Area, that are often the result of historic planning approvals. These include all designations on Schedule “B” of this Plan, except for the “Agricultural Area” designation. There is nothing in this Plan that is intended to prohibit their existence and are recognized as existing uses in this Plan. Notwithstanding anything in this Section to the contrary, existing non-agricultural designations shall be deemed as conforming designations by this Plan. Development proposals within these areas shall be evaluated based on the policies of this Section and the other relevant policies of this Plan.

3.2.7 *Temporary Outdoor Special Events*

The Rural Area lends itself to hosting large-scale temporary outdoor events such as fairs, festivals, concerts, ploughing matches, historical re-enactments, weddings, swap meets, and similar events. Nothing in this Plan is intended to prohibit the hosting of one-time, seasonal, or annual events in the Rural Area so long as:

- a) the temporary outdoor special event shall be permitted on a temporary basis through either a Special Event Permit (or equivalent) administered under the *Municipal Act*, or a Temporary Use Zoning By-law Amendment in accordance with the criteria outline in Subsection 11.6.5.2, and provided that the lands are restored or improved after the close of the event; and,
- b) all requirements of the public health authority having jurisdiction are satisfied.

3.2.8 *Minimum Distance Separation (MDS) Formulae*

3.2.8.1 To provide for the long-term protection and expansion of agriculture uses, odour conflicts shall be reduced by separating incompatible uses. This will be done by requiring compliance with and limiting variances to the MDS Formulae.

3.2.8.2 New land uses, including the creation of new lots, and new or expanding livestock facilities must comply with the MDS Formulae as based on the policies of this Plan, the implementing Zoning By-Law, and The MDS Document (Publication 853, Ministry of Agriculture, Food and Rural Affairs, 2016) as may be updated from time to time.

3.2.9 Residential Uses

For many people the Rural Area is, and will continue to be, a desirable place to live. However, the overpopulation of residential uses in the Rural Area can lead to the piecemeal urbanization of the countryside and the loss of rural character. It can also restrict the establishment and expansion of agricultural operations. As such, where this Plan and implementing Zoning By-law permits residential uses in the Rural Area, only the following shall be permitted:

- a) one single-detached dwelling per lot;
- b) two additional residential units contained on the same lot as the single-detached dwelling; and
- c) farm labour accommodations.

3.2.10 Additional Residential Units

A maximum of two (2) additional residential units shall be permitted in any Rural Area designation where a single-detached dwelling is permitted, subject to the following policies:

- a) Additional residential units may be located in the same building as the primary dwelling or accessory building on the same property;
- b) A maximum of one (1) additional residential unit may be located in an accessory building;
- c) Additional residential units shall:
 - i. be compatible with, and will not hinder, surrounding agricultural operations, including compliance with MDS Formulae;
 - ii. have appropriate sewage and water services;
 - iii. address any public health and safety concerns;
 - iv. be of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster;
 - v. avoid taking land out of agricultural production, or where avoidance is not possible, minimize land taken out of agricultural production;
 - vi. not be used for farm worker housing as intended in the Farm Labour Accommodations policies in Subsection 3.3.12 of this Plan; and,
 - vii. comply with the policies of this Plan and the regulations established in the Zoning By-law.

3.3 Agricultural Area Designation

The “Agricultural Area” designation shown on Schedule “B” of this Plan shall apply to specialty crop areas and prime agricultural areas in the Municipality. Prime agricultural areas in the Municipality of Bayham include prime agricultural lands, as well as all of the non-prime agricultural lands (Canada Land Inventory Class 4-7) as they have traditionally been used for farming purposes and exhibit characteristics of ongoing agricultural uses.

3.3.1 *Permitted Uses*

Within the “Agricultural Area” designation, the primary use of land shall be for normal farm practices and agriculture uses, including on-farm diversified uses. Secondary uses within the “Agricultural Area” designation are limited to: agriculturally related uses, limited residential uses, home-based businesses and industries, agri-tourism operations, and temporary outdoor special events.

3.3.2 *Agricultural Uses*

Agricultural uses include the widest range of activities that involve the growing of crops and/or raising of animals of varying sizes and intensities, with or without buildings, and with or without a residence. Given the importance of agriculture to the Municipality’s economic base, and its strategic provincial and national importance, it is the policy of this Plan that the widest possible permissions be given to agricultural operations across the Municipality. All types, sizes, and intensities of agricultural uses and normal farm practices will be permitted and encouraged in the “Agriculture” designation.

3.3.3 *On-Farm Diversified Uses*

3.3.3.1 On-farm diversified uses may be permitted in the “Agricultural Area” designation in accordance with the policies of this section. Limitations on the type, size, scale and area of on-farm diversified uses are primarily to ensure that such uses:

- a) Are clearly secondary to the principal agricultural operation on the lot and limited in area;
- b) Are compatible with, and do not hinder, surrounding agricultural operations;
- c) Protect prime agricultural areas for the long term;
- d) Are appropriate for rural infrastructure and public services; and,
- e) Do not undermine, or conflict with, the planned function of settlements.

3.3.3.2 On-farm diversified uses may include the following uses, provided they comply with all the applicable policies of this section and this Plan:

- a) Home based businesses and industries;
- b) Agri-tourism operations;

- c) Farm winery; or,
- d) Ground-mounted solar facility.

3.3.3.3 For greater clarity, the following uses shall not be permitted as an on-farm diversified use:

- a) Retail uses, offices, medical/dental clinics and restaurants, except where explicitly permitted in this section;
- b) Residential uses or accommodation, except for limited, short-term accommodation, including a farm vacation rental or bed and breakfast;
- c) Institutional uses;
- d) Recreational uses and special event facilities;
- e) Agriculturally-related uses;
- f) Large scale commercial and industrial uses; and,
- g) Other uses that, in the opinion of the Municipality, may:
 - i. Attract large numbers of customers or other people;
 - ii. Generate significant traffic, or not otherwise be appropriate for rural infrastructure or public services;
 - iii. Create compatibility or enforcement issues;
 - iv. Undermine or conflict with the planned function of rural settlements, except where explicitly permitted by the policies of this section; or,
 - v. Not otherwise be consistent with the applicable policies and objectives of this Plan.

3.3.3.4 Wholesaling and/or retailing shall not be permitted, except where:

- a) It is clearly ancillary to a permitted on-farm diversified use and limited to a small proportion of the total gross floor area of the on-farm diversified use;
- b) The goods, wares or merchandise offered for sale are produced, processed or fabricated on the farm lot upon which the on-farm diversified use is located; or,
- c) It is restricted to the sale of farm inputs (e.g., feed, seeds or fertilizer) primarily to farm operations in the area, or to the sale of farm produce grown in the area.

3.3.3.5 Business offices and/or small restaurants (e.g., café, tea room) may only be permitted, where they are clearly ancillary to a permitted on-farm diversified use. Small scale office uses may also be permitted on an agricultural lot in

accordance with the requirements for a Home-based Businesses & Industries in Section 3.3.5 of this Plan.

3.3.3.6 The following development criteria apply to the establishment and use of on-farm diversified operations:

- a) Roadside Produce Stands: Small roadside farm produce stands, which exclusively sell produce grown on the agricultural lot on which they are located, may be permitted as an on-farm diversified use, as of right, so long as the use meets the requirement of the implementing Zoning By-law.
- b) Secondary to the Farm Operation: An on-farm diversified use will only be permitted on an agricultural lot that is being actively farmed and must be clearly secondary to the agricultural operation on the lot in terms of size, scale and importance.
- c) Site Plan Approval: On-farm diversified uses shall be subject to site plan control to ensure, compliance with the applicable policies of this section, that the use is appropriately located and restricted in area, and that any other site design related matters are addressed. The Municipality may also utilize business licensing or other measures to assist in regulating and monitoring such uses to ensure they continue to comply with these policies.
- d) More Than One On-Farm Diversified Use: More than one on-farm diversified use may be permitted on a lot, however the cumulative gross floor area, land area, and number of employees of all such uses on the lot shall not exceed the limitations set out in this section.
- e) Limitations on Land Area: The total land area used and/or occupied by an on-farm diversified use and related facilities (e.g., buildings, parking, landscaped areas, berms, outdoor storage, new driveways, individual on-site sewage services) shall:
 - i. Be limited to the minimum area required for the proposed on-farm diversified use;
 - ii. Not exceed 2% of the total lot area or 1.0 ha, whichever is the lesser; and,
 - iii. Avoid locating on productive agricultural land to the greatest extent possible, with the first priority being re-use of agricultural buildings existing as of the date this Plan is approved.
- f) Limitations on Building Size: The maximum gross floor area of all buildings and/or structures used for the purposes of an on-farm diversified use or agriculture-related use shall be regulated through the provisions of the implementing Zoning By-Law.

- g) Wineries, Breweries, Cideries and Distilleries: In addition to the general requirements for an on-farm diversified use, a farm winery shall only be permitted where:
- i. The farm winery uses crops (i.e., fruit/grains) grown on site to produce the majority of the wine/cider/beer/spirits, and all alcoholic commodities produced by the farm winery shall be processed, fermented, and bottled on site;
 - ii. The floor area of an on-site tasting room and retail floor space shall be in accordance with the provisions of the implementing Zoning By-law, and shall not conflict with any minimum floor area requirement for licensing approval; and,
 - iii. All provincial regulations, including licensing requirements of the Alcohol and Gaming Commission of Ontario, are met.
- h) Minor Exceptions to Scale of Use: Reasonable exceptions to the maximum gross floor area for an on-farm diversified use may be considered through a Site-Specific Zoning By-law Amendment or Minor Variance, where such use cannot reasonably be located within a settlement area and provided such areas or facilities do not interfere with the primary farming activity (e.g., area used will continue to produce a harvestable crop), or negatively impact the ability of the lands to continue to be used for agriculture (e.g., no site alteration or soil compaction). A minor exception to the maximum gross floor area cap in the implementing Zoning By-law may also be permitted for the seasonal storage of boats, recreational vehicles and/or automobiles in farm buildings or structures existing as of the date this Plan is approved.
- Through the use of a Special Event Permit (or equivalent) administered under the *Municipal Act*, or a Temporary Use Zoning By-law Amendment, minor exceptions to the total site area restrictions for on-farm diversified uses may be considered for temporary areas or facilities associated with short term seasonal activities that are part of a farm-related tourism use (e.g., corn maze) or onetime special event (e.g., ploughing match), provided such areas or facilities do not interfere with the primary farming activity (e.g., area used will continue to produce a harvestable crop), or negatively impact the ability of the lands to continue to be used for agriculture (e.g., no site alteration or soil compaction).
- i) Restrictions on Scale and Expansions: Development proposals for new or expanding on-farm diversified uses which would exceed the number of employees, gross floor area or site area restrictions in this section will not be permitted, unless demonstrated through a Site-Specific Zoning By-law Amendment. Proposals that cannot comply with the policies of this Section

shall be directed to locate, or relocate, in a settlement area or must comply with the applicable policies for non-agricultural uses in this Plan.

- j) Open Storage: A limited amount of open storage may be permitted for an on-farm diversified use, provided that such storage is appropriately screened from public view, neighboring properties and residential dwellings on adjacent lots, and is in accordance with the implementing Zoning By-law.
- k) Compatibility: On-farm diversified uses shall be compatible with, and not hinder, surrounding agricultural operations, or other nearby land uses.

The proposed use, scale and location of the on-farm diversified use shall be reviewed to ensure that potential compatibility issues with respect to traffic, noise, dust, odour, spraying and other agricultural activities and normal farm practices can be prevented or effectively mitigated. Further, an on-farm diversified use shall be appropriately designed, buffered and/or separated from nearby residential and other sensitive land uses to prevent, or acceptably mitigate, potential impacts and to minimize risk to public health and safety.

The on-farm diversified use shall be reviewed to ensure that all applicable provincial and municipal requirements regarding, emissions, noise, odour, nuisance, compatibility, water, and wastewater standards are addressed and that the proposal has received all applicable environmental approvals and addressed any public health and safety requirements.

The site plan approval for the proposed on-farm diversified use shall incorporate any restrictions or requirements that may be necessary to implement this policy.

- l) Minimum Distance Separation: On-farm diversified uses shall be located in conformity with MDS I. However, site specific exceptions may be considered where:
 - i. an existing insufficient MDS I setback will not be further reduced and the use is unlikely to create greater compatibility issues; or,
 - ii. the Municipality is satisfied that the level of human occupancy and/or activity associated with the on-farm diversified use does not warrant full compliance with MDS I;

The application of the MDS I setback to on-farm diversified uses will be identified through the provisions of this Plan and the Zoning By-law.

- m) Servicing: Existing or proposed individual on-site water services and individual onsite sewage services are demonstrated to be adequate or will be made adequate to serve the proposed on-farm diversified use, and shall be in accordance with the requirements of the Municipality, including the

applicable policies of Section 6 of this Plan. On-farm diversified uses must also be appropriate for other rural infrastructure and public services.

- n) Traffic and Access : Vehicular access for an on-farm diversified use shall not create a traffic hazard due to proximity to bridges, railway crossings, curves or grades or any other potential traffic hazard. On-farm diversified uses shall be located on a road capable of accommodating the access and the type and volume of traffic anticipated to be generated, to the satisfaction of the authority with jurisdiction over the road, and be in accordance with the applicable policies of Section 6 of this Plan.
- o) Restrictions on Severance: The severance of an on-farm diversified use from the agricultural lot upon which it is located shall not be permitted.
- p) Other Applicable Policies: Proposals shall also comply with all other applicable policies of this Plan.

3.3.4 *Agriculturally-related Uses*

Agriculturally-related uses are defined by provincial policy and are composed of farm-related commercial and industrial operations that support the Municipality's agricultural sector, provide products and services directly to farming operations, and benefit from being near the farming operations they serve. Agriculturally-related uses are not considered On-Farm Diversified uses. These uses include warehousing and distribution associated with local farming operations, farm produce stands, grain dryers, agricultural research centres, wineries and cideries, abattoirs, flour mills, stock yards, farm equipment repair, agricultural auction establishments, and feed, seed, and fertilizer suppliers. These uses will be permitted across the "Agricultural Area" designation subject to the other policies of this Plan and the following:

- a) when located in an agricultural designation, the total area of the use should generally be less than 1 ha in size, including all buildings, driveways, parking, and outdoor areas. Where a larger operation is proposed, the proponent will be required to demonstrate that there will be no negative impacts on farming operations or the rural character of the area;
- b) the use serves agricultural operations in the area;
- c) any buildings housing the agriculturally-related use are generally located within the existing farm-building cluster, if located on a farm property;
- d) there is no noise, lighting, dust, traffic, or odour from the business or industry that will have an adverse impact on adjacent properties or agricultural operations and will comply with the MDS Formulae;

- e) that rural character is maintained or enhanced through the development's architecture, massing, and landscaping; and,
- f) the proposed potable water treatment and supply system; method of sanitary sewage collection, treatment and disposal; solid waste disposal; and any emissions to the environment shall meet the requirements of, and where necessary, be approved by the Ministry of the Environment Conservation and Parks or its delegated authority and be in accordance with the policies of this Plan.

3.3.5 *Home-based Businesses & Industries*

Home businesses and industries are classified as on-farm diversified uses under provincial policy and include a wide range of small scale enterprises that can operate discretely out of a residence, or other building, by the resident of the property and include a range of professional services and the operations of tradespeople but do not include manufacturing, retail, or wholesale operations. Home-based businesses and industries will be permitted across in the "Agricultural Area" designation subject to the On-Farm Diversified Use policies in Section 3.3.3, and all other policies of this Plan.

3.3.6 *Core Agri-tourism Operations*

Agri-tourism operations are classified as on-farm diversified uses under provincial policy and include a wide-range of leisure-related uses or activities related to farming and agriculture. Uses that are directly related to a farming operation such as 'pick-your own' produce establishments, tasting rooms for a winery or cidery, sugar-shacks, petting zoos, tourist ranches, and produce markets shall be permitted across the "Agricultural Area" designation subject to the On-Farm Diversified Use policies in Section 3.3.3, and all other policies of this Plan.

3.3.7 *Other Agri-tourism Operations*

3.3.7.1 In some cases, agritourism operations may not have a direct relationship to a farm operation or agriculture but may still be complementary to farming or rural character. These uses include farmers markets, antique markets, bed and breakfasts, and outfitters for hunting, fishing, and camping. They may also include spas, retreats, outdoor recreational uses, and special event venues whose programming is based around rural character and/or rural activities. These uses may be permitted on a case-by-case basis in the "Agricultural Area" designation subject to:

- a) The On-Farm Diversified Use policies in Section 3.3.3;
- b) Completion of an agricultural impact assessment to evaluate potential impacts on agricultural operations and the agricultural system; and,

- c) A Zoning By-law Amendment to ensure compatibility and appropriateness of the proposed use.

3.3.7.2 In undertaking any required agricultural impact assessment, the level of detail of the assessment should correspond with the scale and intensity of the proposed use.

3.3.8 *Division of Agricultural Parcels*

It is a policy of this Plan to discourage the division of large farms into smaller holdings and to encourage continued farm use. The assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted. In considering applications to divide agricultural parcels of land, the Municipality shall have regard to:

- a) The need to discourage the unwarranted fragmentation of farmland;
- b) The agricultural capability of the land;
- c) The type of agricultural activity engaged in and proposed to be engaged in;
- d) Both the severed and retained parcels must be sufficiently large enough to permit flexibility for future changes in the type or size of the farming operation, in order to meet changing economic conditions;
- e) The severed and retained parcels are both suitable for the type of agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;
- f) The requirements of the Planning Act and the Provincial Planning Statement, as amended;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The MDS Formulae.

3.3.9 *Farm Consolidation and Surplus Farm Dwellings*

3.3.9.1 In accordance with the Provincial Planning 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 that are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied a minimum of ten (10) years prior to the date of consent application, and which are surplus to a consolidated farm operation, may be permitted within the "Agricultural Area" designation in accordance with the following criteria:

- a) In the opinion of Municipal 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;

- b) Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership; and,
- c) A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

3.3.9.2 The severed lot with the surplus farm dwelling shall:

- a) Be no larger than is necessary 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) Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,
- c) Be rezoned in a Rural Residential Zone in the Zoning By-law.

3.3.9.3 The severed lot with the surplus farm dwelling may:

- a) Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,
- b) Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock.

3.3.9.4 All parcels of property constituting the retained agricultural lands shall:

- a) Depending on the current zoning and lot size, meet the provisions of the Zoning By-law; and,
- b) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, including additional residential units, regardless of changes in property boundary or ownership.

3.3.10 *Existing Lots of Record*

One non-farm residential unit may be considered on existing lots of record in areas designated "Agricultural Area", provided the following criteria are met:

- a) The lot was in existence as of the date of adoption of this Plan;
- b) The building permit will comply with the MDS I formula; and,
- c) The lot must be suitable 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

3.3.11 Lot Adjustments

Consents to sever and convey land in areas designated “Agricultural Area” may be permitted for lot adjustments, lot additions, boundary changes, easements and rights of way, technical severance or correction of title, provided no new conveyable lot(s) are created and are in accordance with the provisions of the Zoning By-law.

3.3.12 Farm Labour Accommodations

3.3.12.1 Certain types of farming operations require outside farm labour to function. As such, the Municipality supports the erection or placement of additional dwellings on farm parcels where the size or nature of the farming operation warrants additional dwellings. The establishment of farm labour accommodation is permitted in the “Agricultural Area”, subject to the following policies:

- a) Minor Variance: Such dwellings may only be permitted by a minor variance to the Zoning By-law and may not be severed from the farm operation;
- b) Built-Form: Such dwellings may be temporary dwellings in the form of a mobile home or modular home; or a permanent dwelling in the form of a converted dwelling or bunkhouse;
- c) Alternative Location(s): Demonstration that alternative locations for the accommodation in existing farm dwellings on lots in the same farm operation, in temporary accommodation, in settlement areas and other similar accommodation are not feasible and not appropriate for the intended accommodation;
- d) Need: Sufficient information must be provided which outlines how the type, scale, and/or size of the farm operation warrant the need for a supplementary farm dwelling;
- e) Existing dwellings: Sufficient justification must be provided to show how any existing farm labour dwelling units that are part of the farming operation can't satisfy the housing needs of the farming operation;
- f) Location: Sufficient justification must be provided to show how the location of the farm labour dwelling unit makes efficient use of existing services and infrastructure and how the location will not impact surrounding land uses. Preference will be given to close proximity to principal farm dwellings and the use of natural landscaping to buffer temporary dwellings from surrounding land uses;
- g) Size and Type: The farm labour dwelling unit is of a minimum size and type that can accommodate both health unit and building code requirements, and shall be no larger than necessary to accommodate the needs of the

temporary farm help residing in the dwelling. Preference will be given to temporary dwellings, or alternatively permanent dwellings that are one storey in height with a maximum floor area of approximately 167 m²;

- h) Rural Character: The temporary dwellings, or alternatively permanent dwellings, address visual impacts on rural character through architecture, massing, and landscaping;
- i) Amenity Space: There is adequate amenity space incorporated into the development for the occupant(s) of temporary dwellings, or alternatively permanent dwellings;
- j) Services: The farm labour dwelling unit must demonstrate an adequate supply of potable water and sanitary sewage disposal system to the satisfaction of the Municipality. Preference will be given to dwellings which can make use of existing services; and,
- k) Vehicular access: The farm labour dwelling unit must demonstrate how vehicular access will not contribute to any traffic-related hazards to the satisfaction of the appropriate road authority. Preference will be given to the use of existing driveways.

3.3.12.2 Farm labour accommodation that cannot comply with the policies in Subsection 3.3.12.1 above are referred to as “Large Scale Farm Labour Accommodation” and may be permitted for temporary accommodation of seasonal farm labour through temporary dwellings, or a permanent dwelling subject to a Site-Specific Official Plan and Zoning By-law Amendment based on the following criteria:

- a) Alternative Location(s): Demonstration that alternative locations for the accommodation in existing farm dwellings on lots in the same farm operation, in temporary accommodation, in settlement areas and other similar accommodation are not feasible and not appropriate for the intended accommodation;
- b) Rural Character: The temporary dwellings, or alternatively permanent dwellings, address visual impacts on rural character through architecture, massing, and landscaping;
- c) Amenity Space: There is adequate amenity space incorporated into the development for the occupant(s) of temporary dwellings, or alternatively permanent dwellings;
- d) Compatibility: Identification of the potential off-site impacts related to noise, lighting, traffic, maintenance and operation of the site on the surrounding community and the identification of appropriate mitigation measures; and,

- e) Location: A location in the Municipality where the site and building design shall provide appropriate accommodation for the health and safety of seasonal farm labourers.

3.3.12.3 The Municipality may enter into an agreement with the applicant relating to such matters as location, maintenance, buffering, removal, and period of occupancy of any Farm Labour Accommodation, as well as any other matters deemed appropriate to ensure that the dwelling is used for its intended purpose of providing housing for farm help.

3.4 Estate Residential Designation

3.4.1 Estate Residential uses shall only be permitted on lands previously designated Estate Residential on Schedule “B” to this Official Plan, prior to approval of this Plan. The Municipality prohibits the creation of new estate residential designation in the Rural Area.

3.4.2 Estate residential uses shall be restricted to one single-detached dwelling per lot.

3.4.3 The keeping of livestock in a hobby farm context is permitted in conjunction with estate residential uses provided the complement of livestock is small and can comply with the requirements of the applicable MDS formula.

3.4.4 Existing Estate Residential Designations and Maximum Number of Lots – Subject to a legally conveyable lot(s) being created, estate residential development is permitted by previously approved site-specific Official Plan Amendments on lands designated “Estate Residential” on Schedule “B” and more particularly described as:

- a) A parcel having an approximate size of 1.44 hectares and situated on the south side of Calton Line in Part Lot 14, Concession 4. A maximum of two estate residential dwelling lots may be created.
- b) A parcel having an approximate size of 0.8 hectares and situated on the west side of Plank Road in Part Lot 126, Concession N.S.T.R. A maximum of three estate residential dwelling lots may be created.
- c) A parcel having an approximate size of 1.45 hectares and situated on the east side of the road allowance between Lots 20 and 21 on Light Line, in Part Lot 21, Concession 4. One estate residential lot may be created in the northerly location of the property.
- d) A parcel having an approximate size of 0.79 hectares and situated on the west side of the road allowance between Lots 20 and 21 (north side of Calton Line) in Part Lot 20, Concession 5. One estate residential lot may be created.

- e) A parcel having an approximate size of 0.12 hectares and situated approximately 210 metres south of Calton Line, on the west side of Part Lot 21, Concession 4. One estate residential lot may be created.
- f) A parcel having an approximate size of 0.62 hectares and situated on the west side of Culloden Road in Part Lot 114, Concession N.S.T.R. One estate residential lot may be created.
- g) A parcel having an approximate size of 3.73 hectares and situated between Plank Road to the west and the former Canadian Pacific Railway corridor to the east in the western portion of Lot 15, Concession 2. A maximum of three estate residential lots may be created.
- h) A parcel having an approximate size of 0.4 hectare and situated on the north side of Best Line in Part Lot 14, Concession 10. Two estate residential lots may be created.
- i) A parcel having an approximate size of 1.22 hectares and situated west side of Baynor Road in Part Lot 136, Concession 6. One estate residential lot may be created.
- j) A parcel having an approximate size of 0.48 hectares and situated along the north side of Heritage Line in Part Lot 118, N.S.T.R. One estate residential lot may be created.
- k) A parcel having an approximate size of 4.0 hectares and situated on the south side of Provincial Highway 3 in Part Lot 6, Concession 8. Two estate residential lots may be created.
- l) A parcel having an approximate size of 1.35 hectares and situated in Lot 109 on the east side of Springer Hill Road, N.S.T.R. Two estate residential lots may be created.
- m) A parcel having an approximate size of 0.4 hectares and situated on the north side of Jackson Line in Part Lot 114, Concession 6. One estate residential lot may be created.
- n) A parcel having an approximate size of 1.1 hectares and situated in Part Lot 20, Concession 8 on the west side of Plank Road. One estate residential lot may be created.
- o) A parcel having an approximate size of 1.4 hectares and situated in Part Lot 16, Concession 8 on the east side of Sandytown Road. One estate residential lot may be created.
- p) A parcel having an approximate size of 1.5 hectares and situated in Part Lots 113 and 114, Concession N.S.T.R., at the intersection of Heritage Line and

Culloden Road”. Two estate residential lots may be created in addition to two existing estate residential dwellings and one existing cemetery.

- q) A parcel having an approximate size of 5.3 hectares and situated in Part Lots 21 and 22, Concession 8, on the south side of Ridge Road. Two estate residential lots may be created in addition to one existing estate residential lot and one existing cemetery.
- r) In addition to one existing dwelling, a second residential dwelling may be developed on a separate lot on a parcel having an approximate area of 11.97 hectares and located on Part Lot 17, Concession 3, on the south side of Light Line, east of the Village of Vienna.

3.5 Mobile Home Parks Designation

3.5.1 Mobile Home Parks may be permitted in areas designated “Mobile Home Parks” on Schedule “B” to this Official Plan. Furthermore, the following existing mobile home parks are recognized in the “Mobile Home Parks” designation by this Plan and shall be appropriately zoned in the Zoning By-law:

- a) In addition to an existing 4.1 hectare mobile home park, an additional 5.5 hectares of land in Lots 23, 24, Concession 9, will be considered for mobile home park purposes subject to site-specific Official Plan and Zoning By-law amendments in accordance with the applicable Official Plan policies and subject to the following requirements:
 - i. Studies completed to the satisfaction of the Ministry of the Environment Conservation and Parks and the Municipality with respect to the proposed sewage and water services in accordance with Subsections 3.2 and 6.4 of this Plan.
 - ii. Completion of an Environmental Impact Study (EIS) in accordance with Section 5 of the Official Plan.
 - iii. Demonstration that MDS I has been satisfied and that the policies of Subsection 3.2 will be addressed.
- b) Lot 5, Concession 8, Municipality of Bayham;
- c) Lot 13, Concession 2, Municipality of Bayham.

3.5.2 Development of Mobile Home Parks is limited to expansions of existing parks or to new parks within settlement areas as designated on the Schedules of this Plan. The expansion of any of the listed existing parks above, will be subject to the policies of Subsection 4.5 of this Plan. Proposed expansion of Mobile Home Parks into the “Agricultural Area” designation shall be discouraged and may only be considered by a site-specific Official Plan Amendment and an accompanying Zoning By-law Amendment, subject to the policies of the Provincial Planning

Statement for non-agricultural uses in prime agricultural areas and applicable policies of this Plan.

3.6 Seasonal Travel Trailer Parks and Campgrounds Designation

3.6.1 Seasonal travel trailer parks and campgrounds may be permitted in areas designated “Seasonal Travel Trailer Parks and Campgrounds” on Schedule “B” of this Plan. It shall be the policy of this Plan to encourage new seasonal travel trailer parks or campgrounds to locate in areas conducive to such development. Such areas should be part of the Otter Creek System, or on the shoreline of Lake Erie where exceptional scenic vistas, aesthetic settings and recreational opportunities exist. Notwithstanding any policies of this Plan to the contrary, the following existing Seasonal Travel Trailer Parks and Campgrounds are recognized by this Plan and shall be appropriately zoned in the Zoning By-law:

- a) Lot 15, Concession 1;
- b) Lot 17, Concession 2;
- c) Lot 5, Concession 3; and,
- d) Lot 5, Concession 8.

3.6.2 In addition to the policies of Subsection 3.2 and 3.6.1 of this Plan, consideration in the evaluation of proposed seasonal travel trailer parks or campgrounds shall be in accordance with Subsection 4.6 of this Plan.

3.7 Institutional Designation

3.7.1 Public institutional uses that serve the needs of the community and require a rural location may be permitted on lands designated “Institutional” on Schedule “B” of this Plan. Examples of such uses include schools, churches, museums, meeting halls and cemeteries.

3.7.2 Several small-scale institutional uses such as churches, cemeteries and schools currently exist within the Rural Area on Schedule “B” of this Plan. These uses typically serve local rural populations and have limited conflicts with adjacent agricultural or rural uses. These uses will be zoned in a site-specific fashion consistent with their low building coverage to lot area ratio.

3.7.3 Notwithstanding Subsections 3.7.1 and 3.7.2, new institutional uses shall be directed to designated settlement areas in the Municipality where municipal services and/or amenities exist. The establishment of new, or expansion of existing, institutional uses in the Rural Area shall be discouraged and may only be considered by a site-specific Official Plan Amendment and an accompanying Zoning By-law Amendment.

3.7.4 In order to protect the surrounding resource lands from the effects of the proposed use, the proposed institutional use should meet, in addition to the policies of this Plan, the following criteria:

- a) The road capacity exists for any projected increased traffic flow;
- b) The topography lends itself to the particular use;
- c) Natural heritage features and areas are protected;
- d) Solid waste disposal can be taken care of adequately; and,
- e) Where applicable, demonstrate that the policies of the Provincial Planning Statement for non-agricultural uses in prime agricultural areas are met.

3.7.5 The potable water supply, sanitary sewage treatment and disposal, taking of water and any emission to the environment shall meet the requirements of and be approved, if required, by the Ministry of the Environment Conservation and Parks, and/or the appropriate approval authority as applicable and be in accordance with the policies of this Plan.

3.8 Commercial / Highway Commercial Designation

3.8.1 All commercial uses are encouraged to be located within settlement areas. Notwithstanding this, commercial uses may be permitted in areas currently designated “Commercial / Highway Commercial” on Schedule “B” of this Plan. Permitted uses shall include those commercial uses which rely heavily upon automobile or truck traffic for their economic existence, and such uses may include automobile service stations, public garages and automobile sales agencies, 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 provided it is structurally attached to the commercial use.

3.8.2 Retail uses such as grocery stores, clothing and apparel, hardware, drug stores, etc., as well as shopping centres that would compete for retail sales with the retail facilities of urban areas will be discouraged in the Rural Area of the Municipality.

3.8.3 The establishment of new, or expansion of existing, commercial uses in the Rural Area shall be discouraged and may only be considered by a site-specific Official Plan Amendment and an accompanying Zoning By-law Amendment. The following policies shall govern the development and zoning of commercial uses, which shall be included in a ‘Highway Commercial Zone’ or ‘Rural Commercial Zone’ in the Zoning By-law and which are subject to the policies of the Provincial Planning Statement for non-agricultural uses in prime agricultural areas, where applicable:

- a) Commercial uses in locations other than along, or at intersections with Highway No. 3 or County Roads may be permitted on a limited basis; and,
- b) The development of laundromats, car washes or other high water consuming establishments will not be permitted unless they can be connected to a piped municipal water supply and have an appropriate means of sanitary sewage treatment and solid waste disposal.

3.9 Recreational Designation

3.9.1 Recreational uses such as golf courses and other public and private parks may be permitted on lands designated “Recreational” on Schedule “B” to this Official Plan. The establishment of new, or expansion of existing, recreational uses in the Rural Area shall be discouraged and may only be considered by a site-specific Official Plan Amendment and an accompanying Zoning By-law Amendment.

3.9.2 In order to protect the surrounding resource lands from the effects of the proposed use, the proposed recreational use should meet, in addition to the policies of this Plan, the following criteria:

- a) The road capacity exists for any projected increased traffic flow;
- b) The topography lends itself to the particular use;
- c) Natural heritage features and areas are protected;
- d) Solid waste disposal can be taken care of adequately; and
- e) Where applicable, demonstrate that the policies of the Provincial Planning Statement for non-agricultural uses in prime agricultural areas are met.

3.9.3 The potable water supply, sanitary sewage treatment and disposal, taking of water and any emission to the environment shall meet the requirements of and, if necessary, be approved by the Ministry of the Environment Conservation and Parks, and/or the appropriate approval authority as applicable and be in accordance with the policies of this Plan.

3.10 Industrial Designation

3.10.1 The lands designated “Industrial” on Schedule “B” in Part Lots 18, 19 and 20, Concession 11, in the north bordering the Township of Southwest Oxford and Norfolk County are recognized as the “Bayham Industrial Park” and the main industrial area of the Municipality of Bayham. Further, this area is recognized as the “Strategic Employment Areas” designation on Schedule “A” of this Plan. In addition to the Strategic Employment Areas policies in Subsection 2.3 of this Plan, the following criteria shall be applied to the development of these lands:

- a) The lands shall be developed in a manner which ensures access to interior lands and which is consistent with road networks in the neighbouring Town of Tillsonburg.
- b) Any proposed development abutting the Big Otter Creek ANSI shall require an Environmental Impact Study (EIS) in accordance with the policies of this Plan. Terms of Reference for the EIS may be detailed upon consultation with the Municipality and Conservation Authority.
- c) Parcels of land adjacent to Provincial Highway 3 may also be developed for commercial purposes in accordance with the policies in Subsection 3.8 of this Plan.
- d) Development will proceed by the plan of subdivision process for the creation of lots. All lots created by a plan of subdivision and adjacent to Provincial Highway 3 must be reverse frontage lots with no direct access to the highway. Access to the Industrial Park will be by (a) new municipal road(s), intersecting a Municipal or County Road at a location acceptable to the Ministry of Transportation.

3.10.2 Industrial uses in locations other than the Bayham Industrial Park may be permitted on a limited basis subject to an Official Plan Amendment and an accompanying Zoning By-law Amendment, and provided they meet all other applicable policies of this Plan, and the Zoning By-law regulations for industrial uses.

3.10.3 The general principles to be considered in the development and zoning of lands designated as “Industrial” on Schedule “B” are as follows:

- a) The Zoning By-law shall provide a separate set of Zone Regulations for Rural Industrial uses, such that they are distinguishable from smaller scale and farm-related industrial uses;
- b) Industries which create adverse off-site environmental impacts such as air pollution, odour, noise, or which generate excessive solid or liquid wastes either in volume or toxicity will not be permitted;
- c) Industries should not require municipal sanitary sewer service. Only ‘dry’ industrial uses shall be permitted. A ‘dry’ industrial use shall be defined as a use that does 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;
- d) Industries should not require connection to a municipal water supply, unless the establishment of private potable water supply is deemed impossible by either failed services or physical constraints;

- e) The proposed potable water supply system and method of sanitary sewage treatment and disposal, solid waste disposal, taking of water, and any emissions to the environment shall meet the requirements of, and where necessary, be approved by the Ministry of the Environment Conservation and Parks and/or the appropriate approval authority;
- f) Adequate off-street parking shall be provided;
- g) 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;
- h) Adequate buffering in the form of landscaping, fencing, or separation distances shall be provided between the industrial area and adjacent uses to prevent adverse impacts. Attention shall be given to buffering and landscaping of parking lots; and
- i) Where applicable, demonstrate that the policies of the Provincial Planning Statement for non-agricultural uses in prime agricultural areas are met.

3.11 Conservation Lands Designation

3.11.1 *General Policies*

- 3.11.1.1 The areas of exceptional scenic and recreational value, and geographic and environmental significance throughout the planning area, and particularly along the Lake Erie shoreline, should be preserved and/or developed in order to maintain their inherent environmental and scenic values. These areas should be designated as “Conservation Lands”.
- 3.11.1.2 The designation is distinct from “Hazard Lands”, in that a physical environmental hazard may not be present.
- 3.11.1.3 Any development in areas of exceptional scenic or recreational value should be regulated so that its impact will not detract from the natural environmental character of the area. Proper forest resource management procedures should be adhered to and all tree removal should be done in accordance with the Elgin County Tree Cutting By-law
- 3.11.1.4 The major areas of scenic and recreational value should be accessible to the public. Such areas in public ownership should be designated “Conservation Lands”.
- 3.11.1.5 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 Archaeology in accordance with the Provincial Planning Statement.

- 3.11.1.6 The Municipality supports the use of conservation easements between private landowners and conservation agencies in accordance with the Conservation Land Act. Conservation easements may be used:
- a) for the conservation, maintenance, restoration or enhancement of all or a portion of land or wildlife on the land;
 - b) for the protection of water quality and quantity, including protection of drinking water sources;
 - c) for watershed protection and management;
 - d) for the conservation, preservation or protection of the land for agricultural purposes; or
 - e) for any other purposes prescribed by the Conservation Land Act.

- 3.11.1.7 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 Lands” are free and open to the general public or will be purchased at any time by the Municipality or any other public agency. If an application is made to the municipality to change the designation of “Conservation Lands”, the Municipality will first determine if the land is required for public purposes and if it can be purchased by the Municipality or other public agency. If the land is not to be purchased, then the Municipality may give consideration to the proposed amendment to the Plan.

3.11.2 *Permitted Uses*

- 3.11.2.1 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:
- a) Water resources;
 - b) Unique vegetation or wildlife habitats;
 - c) Forestry (silviculture);
 - d) Valuable recreation resources;
 - e) Historic sites;
 - f) Designated outdoor recreation areas;
 - g) Any natural resources the community and/or the Conservation Authority deem to be important as an environmental asset to the area.
- 3.11.2.2 Areas designated for conservation may have accessory residential buildings on a seasonal basis but no new permanent residential buildings shall be established.

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

3.12 Licensed Pits and Quarries

Legally existing pits and quarries licensed under the *Aggregate Resources Act* and identified on Schedule “B” of this Plan shall be zoned appropriately in the Zoning By-law. These operations shall be permitted to continue and shall be protected from new incompatible adjacent land uses and activities and in accordance with policies in Subsection 7.2 of this Plan.

4 SETTLEMENT AREAS

Settlement areas are composed of the Municipality’s villages and hamlets. These areas are centres for residential, commercial, industrial, and institutional development in the Hamlets of Corinth, North Hall, Eden, Richmond and Calton, and the Villages of Straffordville, Vienna and Port Burwell. It is the intent of this Plan to concentrate all urban growth in these centres in order to provide important economic and social functions for the Municipality’s residents and businesses and prevent scattered non-farm development in prime agricultural areas. To that end, the following objectives have been identified as they relate to settlement areas in the Municipality:

- a) Protect the unique small-town character of the Municipality’s settlement areas;
- b) Facilitate the creation of compact, complete, and pedestrian-friendly communities that provide equitable access to a range of local economic and social opportunities, centred around a vibrant main street or commercial core;
- c) Ensure that development and redevelopment utilizes land efficiently, as servicing will permit;
- d) Ensure that development is appropriately located, safely accessed, and adequately serviced; and,
- e) Encourage the use of environmental best practices for development and redevelopment.

4.1 Composition of Settlement Areas

Settlement Areas are composed of all lands designated as such in this Plan and are made up of the Municipality’s villages and hamlets. It is intended that future development within the Municipality of Bayham will take place in accordance with the land use designations shown on the following Schedules:

- Schedule “B” Land Use Plan
- Schedule “B1” Village of Straffordville: Land Use and Constraints
- Schedule “B2” Village of Vienna: Land Use and Constraints
- Schedule “B3” Village of Port Burwell: Land Use and Constraints

4.2 General Development Policies

In addition to the other policies of this Plan, the following policies apply to all Settlement Areas identified in this Plan:

- a) The Municipality will place the highest priority on the location of new urban development in areas of the Municipality where full municipal services are readily available; and,
- b) Large residential, commercial or industrial development proposals, generally defined as plans of subdivision or plans of condominium with more than five (5) lots, shall be restricted until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements.

4.2.1 *Community Design and Protecting Urban Character*

4.2.1.1 The Municipality of Bayham’s urban character is defined by small, human scale communities centred on a crossroads, main street, or small commercial core composed of concentrations of pedestrian-friendly (often older) built form, with a variety of retail, employment, residential, and civic uses. The Municipality shall encourage development and redevelopment of lands, buildings, streets, and public spaces applying community design excellence, contributing to the quality of place for Bayham’s residents. The following policies relate to the physical design of communities, including plans of subdivision, infill development proposals, and site plans. Through the development review process for all planning applications the Municipality shall:

- a) Ensure that new development is designed in keeping with the traditional character of Settlement Areas, in a manner that preserves the traditional image and enhances the sense of place in the Municipality;
- b) Promote efficient and cost-effective development buildings, landscapes and circulation design patterns that minimize land consumption;
- c) Promote improvement of the physical character, appearance and safety of streetscapes, public spaces, and parks;
- d) Encourage tree retention and/or tree replacement on private and public lands;
- e) Encourage design that considers and integrates existing and traditional street patterns and neighbourhood structure;
- f) Encourage a high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service buildings;
- g) Encourage streetscaping that reflects the intended land use character of Settlement Areas and the specific land use designation;

- h) Encourage high quality of park and open space design. Land for parkland dedication shall be selected to facilitate its use as a central focal point for new or existing neighbourhoods;
- i) Encourage the provision of pedestrian, cycling and trail linkages through development approvals process;
- j) Enhancing the pedestrian-friendly nature of the settlement area;
- k) Reinforcing and enhancing the sense of community through connectivity and integration with existing built areas, and the provision of community spaces and facilities;
- l) Using massing, scale, architectural, and/or urban design elements to reinforce the character of the settlement;
- m) Respecting the role and primacy of the settlement area's main street or commercial core and encouraging the development and/or retention of local retail and commercial amenities;
- n) Using design concepts that reference or reflect the history and/or historic character of the settlement area;
- o) Encourage, at the Municipality's discretion, design guidelines with development applications, establishing how the policies of this Section have been considered and addressed. These guidelines shall be prepared by the applicant to address physical features including streetscaping, landscaping, setbacks, signage, garage placement, architectural treatment and related design matters;
- p) It shall be incumbent on an applicant to demonstrate how their proposal protects and enhances urban character, and to that end, an urban design brief may be required for certain proposals. It shall be at the discretion of the Municipality or the relevant approval authority to determine the need for an urban design brief and compliance with this policy; and,
- q) In the case of proposals for industrial / employment uses, applicants shall be encouraged to demonstrate how their proposal will be sensitively integrated with adjacent non-industrial / employment uses where applicable.

4.2.1.2 Exceptions

While the protection and enhancement of urban character is not intended to require historic reproduction or to limit intensification or higher density development, rather innovative architectural styles and urban forms that protect and enhance the Municipality's urban character and assist in sensitively integrating higher density development are encouraged. It shall be incumbent on an applicant to demonstrate how their proposal protects and enhances urban character, and to that end, an urban design brief may be required for certain

proposals. In the case of proposals for industrial / employment uses, applicants shall be encouraged to demonstrate how their proposal will be sensitively integrated with adjacent non-industrial / employment uses where applicable.

4.2.2 *Development in Tier I Settlement Areas*

In addition to the General Development Policies of Subsection 4.2, in cases where new development is proposed within a Tier I Settlement Area, it shall be demonstrated that the new development will:

- a) comprehensively develop the land in question, serve as a logical extension to the existing built-up area, be compact, and minimize the consumption of land and infrastructure;
- b) confirm that there is sufficient reserve capacity in both the municipal water and sanitary sewage systems to accommodate the development, and be connected to those systems, except in cases of minor infilling in existing developed areas where other servicing options may be considered;
- c) where feasible, retain and integrate, mature trees into the development through the preparation of tree preservation plan and/or landscape plan, regardless of whether the trees form part of the designated Natural System;
- d) achieve a minimum net density of 20 units/net hectare where residential development is proposed however, should the Municipality be satisfied that this is not appropriate in certain circumstances due to geography, topography, or other similar factors, this requirement may be waived;
- e) front onto, and be directly accessed, by a public road that is maintained year-round by a public authority;
- f) conform to the access policies of the relevant road authority; and,
- g) make any required improvements to public roads, including any required road dedications, needed to facilitate safe ingress and egress and to meet the standards and requirements of the appropriate road authority.

4.2.3 *Development in Tier II Settlement Areas*

In addition to the General Development Policies of Subsection 4.2, in cases where new development is proposed within a Tier II Settlement Area it shall be demonstrated that new development will:

- a) comprehensively develop the land in question, serve as a logical extension to the existing built-up area and minimize the consumption of land to the extent possible;

- b) confirm that there is sufficient reserve capacity in the municipal water and sanitary sewage systems, to accommodate the development, if a connection to either system is proposed;
- c) be sized appropriately to accommodate either an on-site drinking water system or sanitary sewage system, as the case may be, if proposed;
- d) where feasible, retain and integrate, mature trees into the development through the preparation of tree preservation plan and/or landscape plan, regardless of whether the trees form part of the designated Natural System;
- e) front onto, and be directly accessed, by a public road that is maintained year-round by a public authority;
- f) conform to the access policies of the relevant road authority; and,
- g) make any required improvements to public roads, including any required road dedications, needed to facilitate safe ingress and egress and to meet the standards and requirements of the appropriate road authority.

4.2.3.1 Notwithstanding Subsection 4.2.b) or any other policy in this Plan, large residential, commercial or industrial developments may be permitted on lands within the Village of Straffordville and Hamlet of Eden which are not serviced by municipal water services, without an Official Plan Amendment in accordance with the following criteria:

- a) The developer shall provide servicing plans for future municipal water services for the subject lands and connection(s) to municipal water services in the design of any draft plan of subdivision or condominium application to ensure that these services or facilities can be provided up to the appropriate standard, which complies with all regulatory requirements, and protects human health and the natural environment in the event of future municipal service extensions to the area;
- b) Hydrogeological and/or geotechnical reports must be submitted to the satisfaction of the Municipality, which demonstrate that no long-term negative impacts to water quantity and quality will be produced by the development and there is sufficient long-term water quantity and quality available for the development; and,
- c) Confirmation from the Municipality of sufficient reserve sewage system capacity within municipal sewage services for any proposed development is required.

4.2.4 *Development in Tier III Settlement Areas*

In addition to the General Development Policies of Subsection 4.2, in cases where new development is proposed within a Tier III Settlement Area, it shall be demonstrated that the new development will:

- a) comprehensively develop the land in question, serve as a logical extension to the existing built-up area and minimize the consumption of land to the extent possible;
- b) be sized appropriately to accommodate both an on-site drinking water system and sanitary sewage system as the case may be;
- c) where feasible, retain and integrate, mature trees into the development through the preparation of tree preservation plan and/or landscape plan, regardless of whether the trees form part of the designated Natural System;
- d) front onto, and will be directly accessed, by a public road that is maintained year-round by a public authority;
- e) conform to the access policies of the relevant road authority; and,
- f) make any required improvements to public roads, including any required road dedications, needed to facilitate safe ingress and egress and to meet the standards and requirements of the appropriate road authority.

4.2.5 *Community Improvement Areas*

4.2.5.1 Municipal Council has determined that all of the Settlement Areas shown on Schedule “A” of this Plan shall form the “Community Improvement Areas” in the Municipality of Bayham to the 2054 planning period. Municipal Council may determine that additional community improvement project areas within the Municipality of Bayham be identified, subject to the criteria set out in this Subsection and Subsection 11.6.11 of this Plan. The overall goals in the Community Improvement Areas are as follows:

- a) To stabilize preserve and improve existing and viable residential, recreational and commercial areas in the Hamlets and Villages of the Municipality of Bayham;
- b) To utilize community improvement initiatives as an incentive to attract new commercial and light industrial establishments to the hamlets, with particular emphasis on the expansion of the industrial base in the Villages of Straffordville, Vienna and Port Burwell;
- c) To safeguard the health, convenience and enjoyment of both residents and visitors by improving social, cultural and recreational facilities and services;

- d) To protect and improve the economic well being of the Municipality and its residents by encouraging and/or participating in programs that will promote new jobs, new capital investment and increases in the economic base and municipal tax base, having regard for the cost/benefit relationship of such programs;
- e) To improve the overall energy efficiency and environmental impact of development, with particular emphasis on development in settlement areas;

4.2.5.2 The objectives for existing and new Residential development are as follows:

- a) To improve conditions in older deteriorating but potentially stable and predominantly residential areas or neighbourhoods so as to maintain their long-term viability;
- b) 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 Hamlets and Villages;
- c) To encourage rehabilitation and upgrading of existing housing stock so as to achieve and maintain a minimum standard of housing;
- d) To upgrade municipal services, public utilities and social and recreational facilities; and,
- e) To ensure that municipally operated facilities and community services are provided consistent with the identified needs of all residents in the Hamlets and Villages.

4.2.5.3 The objectives for existing and new Commercial development are as follows:

- a) To improve both parking and pedestrian facilities in the commercial areas;
- b) To encourage the rehabilitation of existing commercial and institutional developments in the Hamlets and Villages;
- c) To improve the overall attractiveness of the commercial areas in terms of aesthetics and public amenities;
- d) To diversify and expand the economic base of the Hamlets and Villages, and to expand the range of services and shopping opportunities available in the Hamlets and Villages; and,
- e) To prepare and implement a design scheme and marketing strategy for the “Commercial” designations in Straffordville, Vienna and Port Burwell.

4.2.5.4 In addition to the specific Residential and Commercial objectives noted in Subsections 4.2.5.2 and 4.2.5.3, the following objectives are intended to achieve the goals of Community Improvement:

- a) Surface treat all local roads that are within the Municipality’s jurisdiction;

- b) Provide curbs, gutters and asphalt on all collector and arterial roads in the Municipality;
- c) Provide adequate street lighting on all local and arterial roads in the Municipality and on certain local roads where warranted;
- d) Provide low intensity lighting on footpaths, lanes and in park areas;
- e) Provide sidewalks in urban areas of the Municipality where it is warranted by pedestrian traffic;
- f) Improve existing, and establish new parks, playgrounds, rest areas, open space areas, indoor recreational facilities and water access facilities;
- g) Improve existing and establish new social and recreational facilities and programs for children, adults and senior citizens;
- h) Phase out non-compatible land uses as identified by both the Official Plan and the Zoning By-laws;
- i) Provide publicly-owned and operated sewage collection facilities to all urban property owners;
- j) Provide publicly-owned and operated water services to all urban areas. The water shall be of a quality water distribution system shall be of a standard acceptable to the Ministry of Environment Conservation and Parks or their delegated authority;
- k) Generally foster local economic growth;
- l) To promote the establishment, expansion, and rehabilitation of tourism and tourist destination-oriented uses within existing buildings; and,
- m) To encourage the establishment, expansion, and rehabilitation of agriculture-related and secondary uses within existing buildings in the agricultural area.

In achieving the above objectives, Council shall consider whether finances permit the undertaking of these objectives.

4.2.5.5 The objectives for brownfield (i.e. contaminated or potentially contaminated sites) redevelopment are as follows:

- a) To improve the conditions of former contaminated industrial and commercial sites in the Municipality's hamlets and villages;
- b) To encourage the redevelopment of existing or vacant industrial and commercial lands to residential or commercial developments;
- c) To improve the overall attractiveness of industrial and commercial areas in terms of aesthetics and public amenities; and,

- d) To prepare and implement design schemes and marketing of former industrial and commercial lands in the municipality.

4.2.5.6 The criteria and policies for brownfield redevelopment are as follows:

- a) Areas of industrial or former industrial uses or commercial or former commercial uses in need of rehabilitation;
- b) A need for improvement to or extension of municipal services including water mains, sanitary sewers, storm drains, sidewalks, cycling lanes, curbs and gutters and related public infrastructure;
- c) A need for aesthetic improvements or beautification which may enhance the viability of the industries or commercial businesses in the area;
- d) Council may by by-law adopt incentives for the redevelopment of brownfields sites; and,
- e) Incentives may include tax incentives, reduced development fees or other provisions in accordance with the *Municipal Act*.

4.2.6 ***Additional Residential Units***

A maximum of two (2) additional residential units shall be permitted on the same property within Settlement Areas where single-detached, semi-detached, and/or rowhouse dwellings are permitted, subject to the following policies:

- a) Additional residential units may be located in the same building as the primary dwelling unit or in an accessory building on the same property;
- b) A maximum of one (1) additional residential unit may be located in an accessory building;
- c) A maximum of one (1) connection to existing private and/or municipal sewage and water services shall be available to service the additional residential unit(s);
- d) The exterior building or site changes to permit the additional residential unit shall maintain the general form and architectural character of the building where possible; and,
- e) Additional residential units shall comply with the policies of this Plan and the regulations established in the Zoning By-law.

4.2.7 ***Addressing Climate Change***

New development in all Settlement Areas is encouraged to be planned and designed to mitigate and adapt to the impacts of climate change through incorporating sustainable construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and

low impact development. For large development proposals, applicants may be required to demonstrate how this will be achieved.

4.3 Hamlets

The “Hamlet” policies are intended to apply to those parts of the Municipality where small concentrations of urban development and land uses have evolved into small, identifiable communities. The “Hamlet” policies shall apply to the various hamlets designated by this Plan. Schedule “B” designates Corinth, North Hall, Eden, Richmond and Calton as “Hamlets”. The intended function of the “Hamlets” in this Plan is to remain as small dormitory clusters, providing limited commercial, industrial and institutional services to the immediate surrounding area, subject to the servicing policies of this Plan. The policy of this Plan is to restrict large residential developments (more than 5 lots) 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 “B”.

4.3.1 *Permitted Uses*

4.3.1.1 Permitted uses would include residential dwellings, variety stores, public garages, schools, churches, small scale commercial and industrial uses, and emergency and transitional housing.

4.3.1.2 Land uses other than residential will be permitted in hamlets if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses include, but are not limited to:

- neighbourhood retail stores
- drug stores
- small-scale professional offices
- public and private small-scale institutions
- local service industrial uses

4.3.2 *General Policies*

4.3.2.1 Non-residential uses shall be consolidated into clusters wherever possible rather than permitting them to spread throughout the hamlet area. The location and site design of non-residential uses in the Hamlet designation shall provide for off-street parking, landscaping, and adequate buffering and utilize the best principles of urban design in order to create a high quality residential neighbourhood.

4.3.2.2 In addition, larger scale public and private uses such as religious institutions, clinics, convalescent homes, nursing homes, hospitals and schools will be permitted in “Hamlets” provided that an amendment to the Zoning By-law has

been approved to protect the surrounding residential lands from the proposed use.

- 4.3.2.3 Some of the principles to be considered in the development and zoning of non-residential uses in the residential areas in “Hamlets” are as follows:
- a) The permitted hamlet commercial or industrial uses shall be limited to retail stores or service shops which provide for the daily shopping or service needs of the adjacent residential areas and may include an automobile service station in a separate zoning category;
 - b) The location of hamlet commercial or industrial uses shall be encouraged to locate on arterial or collector roads and indiscriminate scattering of these uses shall be discouraged;
 - c) The hamlet commercial or industrial uses shall be sited so as to minimize any adverse impacts upon the adjacent residential uses;
 - d) The buildings containing hamlet commercial or industrial uses shall be designed, and any lighting or signs arranged so as to blend in with the character of the adjacent residential area;
 - e) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
 - f) Adequate off-street parking shall be provided; and,
 - g) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.
- 4.3.2.4 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 this Plan and to the following criteria when considering an application for a consent in the Hamlet areas:
- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the 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 developed areas and not of extending the Hamlet area unduly;

- d) The size of any parcel of land created by 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 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.

4.3.3 Residential Uses

4.3.3.1 The principal land use function of “Hamlets” shall be for clusters of non-farm residential development in the form of single detached dwellings, other low or medium density types of dwellings, and emergency and transitional housing.

4.3.3.2 It is the intention of this Plan to allow for the eventual development of other residential types such as multi-unit dwellings and single unit mobile home parks within the residential areas of the “Hamlets”. These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved. Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided; and,
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.3.4 *Commercial Uses*

4.3.4.1 The general principles to be considered in the development and zoning of commercial uses in the “Hamlets” are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include, but are not limited to:
 - i. establishments essentially engaged in the buying and selling of goods and services;
 - ii. automobile service stations and sales garages;
 - iii. places of entertainment and general assembly;
 - iv. offices and studios;
 - v. service shops;
 - vi. public and institutional uses; and,
 - vii. residential uses in the form of apartments over and beyond ground floor commercial uses.
- b) The commercial areas in the “Hamlets” 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 and safety of the people and the businesses served; and,
- 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.

4.3.5 *Open Space Uses*

4.3.5.1 The establishment of public and private parks and recreation lands within the “Hamlets” designation is permitted.

4.3.5.2 Accessory buildings necessary for open space and recreation use will be permitted under this designation.

4.3.5.3 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 Municipality in accordance with Subsection 11.7 of this Plan. If proposals to develop any such lands that are in private ownership are made and the municipality 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 Municipality.

- 4.3.5.4 The Municipality shall endeavour to maintain the existing parkland in the municipality and should attempt, where possible, to acquire additional lands for neighbourhood parks within the “Hamlets” as warranted by the level of residential development in these areas, in accordance with Subsection 11.7 of this Plan.
- 4.3.5.5 It is the policy of this Plan that within all “Hamlets”, adequate open space shall be provided. To achieve this policy, Council shall ensure that the land dedication required pursuant to the *Planning Act*, for consents and new subdivisions will be used to create local parks, in accordance with Subsection 11.7 of this Plan.
- 4.3.5.6 Monies acquired in lieu of parkland dedication shall be managed by the Municipality in a park fund for use in providing recreational lands and facilities to serve the needs of all residents.

4.4 Villages

The “Village” policies are intended to apply to those parts of the Municipality where major concentrations of urban development exist. The “Village” policies shall apply to development in the Villages of Straffordville, Vienna and Port Burwell as designated on Schedule “B” to the planning horizon year of 2054, subject to the servicing policies of this Plan.

4.4.1 *General Policies*

- 4.4.1.1 There are eleven (11) land use designations / constraints that apply in the three villages as follows:
- Residential
 - Multi-Unit Residential
 - Harbour Residential/Commercial
 - Commercial
 - Industrial
 - Institutional
 - Open Space
 - Conservation Lands
 - Hazard Lands
 - Floodway
 - Flood Fringe

4.4.1.2 The policies for “Conservation Lands” and “Hazard Lands” are located in Subsection 5.11 and Section 8 of this Plan, as they are not specific to the three Villages.

4.4.2 Residential Designation

4.4.2.1 Within the areas designated “Residential” on Schedule “B1”, “B2” and “B3”, the primary use of land shall be for single-detached dwellings. Two-unit dwellings and seasonal dwellings may also be permitted in order to ensure a diversity of low-density housing types capable of meeting the needs of the Municipality. The dwelling units permitted in the “Residential” designation will be regulated by the Zoning By-law. Single, seasonal residential and semi-detached dwellings and duplexes should target a gross density of twenty (20) units per hectare.

4.4.2.2 The Municipality supports the redevelopment and residential intensification of underutilized lands in the “Residential” designation. Such redevelopment or intensification may consist of the uses outlined in Subsection 4.4.2.1 of the Plan.

4.4.2.3 Minor commercial or institutional land uses may be permitted if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Minor commercial uses include small scale professional offices. Minor institutional uses include places of worship and schools.

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

4.4.2.5 In order to maintain and strengthen the development of the “Commercial” designation and in order to maintain the character of areas designated “Residential”, the establishment of commercial uses will not be permitted (with the exception of those described in Subsection 4.4.2.3) in the “Residential” designation.

4.4.2.6 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 4.4.8.2 provided they comply with the standards and regulations of the Zoning By-law.

4.4.2.7 In addition to the policies of Section 4.2 as applicable, proposals for new development in the designated “Residential” areas shall meet the following criteria:

- a) Open space: Open space including parkland shall be provided in accordance with the policies of Section 4.4.8.
- b) Adjacent and surrounding land use: The proposed development shall be compatible with existing (or proposed) neighbouring land uses and any proposed lots shall be consistent with adjacent and surrounding lots and be

adequately screened from adjacent land uses by the provision of landscaping and/or buffering, where necessary or desirable.

- c) Street pattern: 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.

4.4.3 *Multi-Unit Residential Designation*

- 4.4.3.1 Permitted uses in the “Multi-Unit Residential” designation are housing in the form of emergency and transitional housing and medium density residential uses such as townhouses and apartment buildings, including senior citizens’ complexes.
- 4.4.3.2 Other uses complementary to, and compatible with, residential development such as small scale schools, churches, clinics and parks may be permitted, subject to rezoning. These uses will be permitted if they serve the residential function and improve the quality of life in the neighbourhood.
- 4.4.3.3 Home occupations, Mobile homes or trailers are prohibited.
- 4.4.3.4 Apartments should target a net density of 75 units per hectare. All other permitted uses should target a net density of 35 units per hectare.
- 4.4.3.5 Adequate off-street parking shall be provided and should be designed, situated, buffered and landscaped so as to minimize adverse impacts on adjacent properties.
- 4.4.3.6 Development shall enhance the quality of the residential neighbourhood, with particular attention to the effects of vehicular and pedestrian traffic operation.

4.4.4 *Harbour Residential/Commercial Designation*

- 4.4.4.1 In the “Harbour Residential/Commercial” designation, permitted uses include townhouses targeted to a net density of 35 units per hectare; stacked townhouses to a targeted net density of 60 units per hectare; apartments to a targeted net density of 75 units per hectare; marinas and associated uses, including boat storage and repairs; parks, schools and churches; tourist commercial establishments; and parking areas.
- 4.4.4.2 The waterfront is considered an important element to the community at large. As such, Council puts considerable value in obtaining either ownership or public easements along the Big Otter Creek for public use. Further, Council recognizes that uses such as commercial fishing, charter boat operators, recreational boating, recreational anglers, and the public boat ramp are important to the social and economic health of the wider community.

4.4.4.3 To fulfil the intent of Subsection 4.4.4.2, Council may accept the dedication of a linear open space system along the Big Otter Creek as parkland dedication notwithstanding the policies of Subsection 11.7.2.

4.4.5 *Commercial Designation*

4.4.5.1 Within the area designated “Commercial”, 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.

4.4.5.2 Secondary uses may also be permitted and may include residential uses in accordance with Subsection 4.4.2, public parks and open space, off-street parking, and small-scale manufacturing or industrial uses accessory to a commercial use. These secondary uses will be specified in and regulated by the Zoning By-law.

4.4.5.3 The “Commercial” designation will be recognized as the dominant areas of commercial activity in the Municipality. New commercial development should be an extension of the existing area and should be discouraged from establishing in adjacent residential areas unless it can be demonstrated that suitable sites within the “Commercial” designation are not available.

4.4.5.4 The Municipality, in co-operation and consultation with merchants and property owners, will seek to strengthen and enhance the “Commercial” designation. This will be achieved by improvements to publicly and privately owned land and through the prevention of incompatible or undesirable development taking place.

4.4.5.5 In addition to the policies of Subsection 4.2, proposals for new development and redevelopment shall meet the following criteria:

- a) Off-street parking: Adequate parking shall be provided in accordance with the Zoning By-law. As an alternative to providing on-site parking, the Municipality may accept a cash-in-lieu payment with such monies going towards the creation of new or the improvement of existing parking areas servicing the “Commercial” designation.
- b) Adjacent and surrounding land use: Adequate buffer planting or screening may be required along the boundary between the “Commercial” designation and any adjacent areas in any residential designation.

4.4.5.6 It is a policy of this Plan to encourage the design, construction and maintenance of buildings, parking areas, public works and signs in a manner that will contribute to an attractive, safe and enjoyable environment in accordance with Subsection 4.2.1 of this Plan.

4.4.5.7 The Zoning By-law shall ensure that developments in the “Commercial” designation are appropriately set back from the road and be buffered to prevent

adverse land use impacts and to protect adjacent residential, institutional and open space uses.

- 4.4.5.8 No open storage of materials shall be permitted in the “Commercial” designation.

4.4.6 *Industrial Designation*

- 4.4.6.1 Permitted uses in the “Industrial” designation include manufacturing, assembling, processing, warehousing and storage. Bulk fuel facilities, public utilities, transportation and communication facilities are also permitted.
- 4.4.6.2 Buildings, offices and retail activities accessory to the “Industrial” use and an accessory residence for a caretaker, owner or essential workmen are permitted provided they are structurally attached to the Industrial land use.
- 4.4.6.3 The Zoning By-law shall ensure that industrial uses are appropriately set back from the road and are buffered and/or landscaped to minimize any adverse impacts on adjacent areas. The Zoning By-law shall also ensure that adequate off-street loading and parking are provided.
- 4.4.6.4 Notwithstanding the use of best available abatement technology, industries have the potential to create off-site nuisances due to noise, odours, vibration and particulate emissions. Given the foregoing, Council will give due regard to the guidelines referred to in the Ministry of Environment Conservation and Parks’ “Guideline D-6 Compatibility Between Industrial Facilities”, or its successor document, when reviewing any industrial development applications in proximity to sensitive land uses.
- 4.4.6.5 Industries that create extreme environmental conditions such as high air pollution, noise, excessive solid waste generation or high liquid waste either in volume or toxicity will not be permitted.
- 4.4.6.6 The proposed municipal potable water supply system, method of municipal sanitary sewage treatment and disposal, solid waste disposal, surface and storm drainage, taking of water, and any emissions to the environment shall comply with the policies of this Plan and shall meet the requirements of, and where necessary, be approved by the Ministry of the Environment Conservation and Parks. All new industrial uses will be required to connect to the municipal potable water supply and municipal sanitary sewerage systems. Limited exceptions may be permitted by amendment to this Plan and subject to the approval of the appropriate approval authority.

4.4.7 *Institutional Designation*

- 4.4.7.1 Within the areas designated “Institutional”, the primary use of land shall be for clinics, places of worship, cemeteries, municipal offices and works yards and

structures, libraries, schools, emergency and transitional housing, provincial or federal buildings and structures, and utilities.

4.4.7.2 Minor institutional uses include places of worship and schools. Notwithstanding any other policy of this Plan, small scale minor institutional uses are permitted in the “Residential” and “Commercial” land use designations, subject to a rezoning. All other institutional uses will be required to be located in an Institutional designation and may be subject to rezoning.

4.4.7.3 Council will encourage public service facilities to be co-located in the community hubs of the Villages of Port Burwell, Straffordville and Vienna to promote cost-effectiveness, facilitate service integration and access to active transportation.

4.4.8 *Open Space Designation*

4.4.8.1 Within the areas designated “Open Space”, the primary use of land shall be for community parks, conservation areas, fairgrounds, other similar outdoor recreation areas. Secondary uses such as buildings, structures and parking areas accessory or complementary to the “Open Space” areas shall also be permitted.

4.4.8.2 Neighbourhood parks and playgrounds serving local needs shall not be included in the “Open Space” designation but rather in a residential designation. They may, however, be zoned in an open space category in the Zoning By-law.

4.4.8.3 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.

4.4.8.4 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 Municipality or any other public authority. If a proposal is made to develop any such lands and the Municipality or the appropriate public authority does not wish or is unable to purchase the lands in question for open space purposes, the Municipality may redesignate the said lands for development purposes.

4.4.8.5 The Municipality will continue to support the development and maintenance of recreation facilities; the acquisition, beautification, and maintenance of public open space; and the development of recreation programs insofar as its financial resources permit.

4.4.8.6 The Municipality will ensure that adequate, safe neighbourhood parks are provided to serve the areas in any residential designation. A minimum size for a neighbourhood park may be established in the Zoning By-law.

4.4.8.7 Lands within the area designated “Open Space” may be susceptible to hazardous conditions other than those associated with flooding. As such, prior to an Official

Plan Amendment to redesignate land from the Open Space designation, written approval from the Conservation Authority must be obtained, if required by the Municipality.

- 4.4.8.8 Port Burwell’s sewage treatment plant may periodically generate odours that could be a source of nuisance to residential and other uses if such uses were permitted to locate in close proximity to the plant. In order to avoid land use conflicts and to protect the site from encroachment, the Municipality may not adopt any amendments to the “Open Space” designation that would permit odour sensitive uses to locate within 150 metres of the property/lot line of the sewage treatment works.

4.5 Mobile Home Parks

- 4.5.1 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, which may be established by a Plan of Subdivision pursuant to the *Planning Act*;
 - b) The land shall be accessible to a main road by means of the roads within the mobile home park;
 - c) The mobile home park shall 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 Conservation and Parks, or its delegated authority as applicable. The methods of and arrangements for ensuring responsibility for systems operation and maintenance shall satisfy the Ministry;
 - 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 Municipality;
 - g) Adequate buffering shall be provided to shield the mobile home park from neighbouring uses and vice versa;
 - h) Eight percent of the gross area of the mobile home park shall be designated as a recreational area. The buffer zone shall not be a part of the recreation area;

- i) Mobile home parks shall as a general rule, be a maximum of 80 units and a minimum of 20 units in size;
- j) 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 that has been constructed so as to be located on a site other than that which it has been constructed on.

4.5.2

It shall be the policy of this plan that an applicant who wishes to develop a mobile home park or expand an existing mobile home park in the Village designation shall enter into a development agreement with the Municipality prior to the passing of an amendment to the implementing Zoning By-law. Such an agreement shall include:

- a) Arrangement for buffer planting to effectively screen the proposed development from other residential, commercial or industrial uses;
- b) Installation and maintenance of services;
- c) Control of drainage on and from the property;
- d) 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:
 - i. 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;
 - ii. 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;
 - iii. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
 - iv. All entrances and exits;
 - v. Design plans for the progressive and ultimate development of individual mobile home lots, ancillary facilities and internal roads;
 - vi. Drainage provisions - the method and final grades, by which the mobile home park shall be adequately drained, certified by a qualified engineer.
 - vii. Any other requirements deemed necessary by the Municipality.

4.5.3

Notwithstanding any policies of this Plan to the contrary, the following existing mobile home parks have been recognized in a Settlement Area designation of this Plan and shall be appropriately zoned in the Zoning By-law;

- a) Pitt Street, Port Burwell; and,
- b) Elizabeth Street, Port Burwell.

4.6 Seasonal Travel Trailer Parks

4.6.1 Seasonal travel trailer parks are permitted in designated “Hamlets” and areas designated as “Open Space” or “Conservation Lands” in Straffordville, Vienna, or Port Burwell by an amendment to the Zoning By-law.

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

- a) The park must be accessible to a main road by means of a service road or 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 Conservation and Parks 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 Conservation and Parks;
- 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 Municipality;
- 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 square metres;
- f) The park must be in operation only during the months of April to November;
- g) The park must have 5 percent 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 trailer 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;
- i) 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:

- i. The true shape, topography, contours, dimensions, area and location of the property to be developed as well as the extent of adjacent property held for future mobile park development;
 - ii. 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;
 - iii. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
 - iv. All entrances and exits;
 - v. Design plans for the progressive and ultimate development of individual travel trailer lots, ancillary facilities and internal roads;
 - vi. Drainage provisions - the method and final grades, by which the travel trailer park shall be adequately drained, certified by a qualified engineer;
 - vii. The location of any communal wells and subsurface sewage treatment and disposal systems, both within the proposed development and within a distance of 120 metres from the land that is to be developed.
- j) Any other requirements deemed necessary by the Municipality.

4.6.3

Notwithstanding any policies of this Plan to the contrary, the following existing Seasonal Travel Trailer Parks and Campgrounds are recognized by this Plan and shall be appropriately zoned in the Zoning By-law:

- a) Bridge St., Port Burwell; and,
- b) Port Burwell Provincial Park.

5 THE NATURAL SYSTEM

The Natural System is composed of the Municipality's natural environment, including: wetlands, woodlands, species and fish habitat, and water. The ecological features and functions of the Municipality's Natural System supports overall environmental health and resiliency and underpins the overall sustainability of the Municipality.

5.1 Composition of the Natural System

The Natural System is composed of:

- a) Significant Wetlands;
- b) Significant Coastal Wetlands;
- c) Significant Woodlands;
- d) Significant Valleylands;
- e) Areas of Natural and Scientific Interest (ANSI);
- f) Significant Wildlife habitat;
- g) Fish habitat;
- h) Habitat of threatened or endangered species;
- i) Surface water; and,
- j) Ground water.

5.2 General Policies

The Municipality of Bayham recognizes the importance of the Natural System to the overall health of the Municipality and the negative social, environmental, and economic impacts that environmental degradation can have, particularly when coupled with the impacts of climate change. As such the Municipality will prioritize the protection, enhancement, and rehabilitation of the Natural System based on the following policies:

- a) Council shall encourage the designation and protection of the natural system in order to increase diversity, connectivity and physical area of the natural heritage land throughout the Municipality;

- b) Council shall implement the Natural System policies of this Plan through participation in provincial and federal programs related to natural heritage conservation;
- c) Council shall circulate all development plans to the appropriate authority for their review and comments related to any potential natural heritage significance on the subject lands;
- d) The Municipality shall rely on the expertise of the Province and the Long Point Region Conservation Authority in identifying potential natural heritage features; and,
- e) Council may utilize any of the following planning tools to promote or preserve natural heritage resources in the municipality:
 - i. conditions of consent and subdivision approval and consequent agreements;
 - ii. provisions related to site plan control; and,
 - iii. standards, definitions and regulations in the Municipality's Zoning By-law

5.3 Identification of the Natural System

5.3.1 Natural System features where found within the Municipality are designated as such on Schedule "C" to the Plan. The Municipality currently recognizes the following natural heritage features outlined in Table 1 below:

Table 1: Existing and Recognized Natural Heritage Features

TYPE	NAME	AREA (HA)	DESCRIPTION
Provincially Significant Life Science ANSI	Big Otter Creek	647	Located northwest of Eden – an excellent example of a river valley system with adjoining uplands and exceptional deciduous bottomlands within the Norfolk Sand Plain physiographic region.
Locally Significant Life Science ANSI	Little Jerry Creek	130	River valley habitats with natural vegetation intact located where the Little Jerry Creek empties in Big Otter Creek near Richmond
Locally Significant Life Science ANSI	Iroquois Beach	-	Located within Port Burwell Provincial Park – Low lying wet strands vegetated with wet sedge meadows, marshes and shrub thickets are separated by drier, sandy meadows on low ridges.
Provincially Significant	South Otter Creek Provincially Significant Wetland	185.4	Located southeast of Straffordville along headwaters of the South Otter Creek - made up of 10 individual wetlands, composed of

Wetlands	Complex		one wetland type (100% swamp). Located south of Lamers Line along banks of the South Otter Creek.
Locally Significant Woodlands	Eden Woods	92.7	Located northwest of Eden along headwaters of the Big Otter Creek – consisting of a gently rolling well drained sand plain, with dissected stream valleys and pond. Upland valley slope, crest mixed forests, valley bottom, pond swamp thicket, marsh and aquatics. Exhibits southern and Carolinian biota, with regionally significant flora
Locally Significant Woodlands	Bayham Swamp Forest	54	
Locally Significant Woodlands	Bayham Townline Woods	424	Located along the banks of the South Otter Creek between Jackson Line and Tunnel Line - This site is typified by gently rolling sand plain terrain with frequent wet depressions and basins. An incised stream valley passes southeastwards through the site. The moist depressions and basins throughout the site generally support seasonal swamps, but very locally there are perennial swamp and marsh communities.
Locally Significant Woodlands	Buxbaumia Woods	48	Located in an upland area loosely bounded by Coyle Road, Vincent Line, County Road 55 and Heritage Line – This site includes sand plain and ridge forests on a moraine landform created by a former glacial lake. The combination of the beach deposits and the moraine make this area regionally significant. Both features are significant separately as these deposits are not common in Elgin County.
Locally Significant Woodlands	Goldie’s Fern Woods	45	Located southeast of Vienna and bounded by two deeply incised ravines that empty into the South Otter Creek – This site exhibits good examples of sand plain deciduous forests with a rich fern ground layer.

Locally Significant Woodlands	Little Jerry and Big Otter Creek Complex	733	Located along 4km of the valley of Little Jerry Creek above its confluence with Big Otter Creek, and about 13 km of the valley of Big Otter Creek below the Big Otter Creek ANSI, The site contains good examples of incised valley forests of the Carolinian zone
Locally Significant Woodlands	Little Otter Creek Valley Complex	1105	Located all along the Little Otter Creek Valley and forming a complex which forms a more or less continuous wooded valley for about 18 km, as well as a number of incised tributary ravines and adjacent upland. The vegetation communities of the incised valleys are some of the best examples in Elgin County.
Locally Significant Woodlands	Straffordville Woods	336	Located southeast of Straffordville - The site contains good examples of typical rich upland sandy deciduous forests of the Norfolk Sand Plain.
Locally Significant Woodlands	Vienna Pawpaw Stand	12.1	Cluster of pawpaw trees found along the Big Otter Creek floodplain. Represents the only stand of pawpaw trees found in Elgin County
Locally Significant Woodlands	Vienna Woods	-	A small wooded area just west of the Village of Vienna supporting varied vegetation communities

5.3.2 It is recognized that the mapping of the Natural System in this Plan is approximate, and the policies of this section apply to all Natural System components regardless of whether they are identified on the schedules of this Plan or on Table 1 above. Changes to the limit or the significance classification of individual components of the Natural System may be considered through the findings of a sub-watershed study or environmental impact statement completed to the satisfaction of the Municipality. If a change to the limit or classification of a component of the Natural System has been demonstrated to be appropriate the revised limit or classification shall prevail, and no amendment to this Plan shall be required.

5.4 Watershed Planning

It is recognized the watershed is the ecologically meaningful scale for integrated and long-term planning and is a foundation for considering cumulative impacts of development. The basis for conducting planning at the watershed scale is through the

preparation of a sub-watershed study, a technical report which provides comprehensive analysis of how surface water, groundwater, terrestrial, and aquatic ecosystems function in a sub-watershed, and recommends how land use can take place in a manner that protects and enhances the environmental health of the sub-watershed. To that end, where sub-watershed studies pertaining to the Municipality of Bayham are undertaken by the County, the Municipality will utilize these studies to develop a more detailed understanding and approach to planning within each sub-watershed. Where these studies exist, they shall form the basis for planning in the Natural System. Further, where an environmental impact statement is prepared in support of a development application it shall consider the sub-watershed implications of the proposed development.

5.5 Significance & the Natural System

Designating certain components of the Natural System as ‘significant’ affords these features greater protection under provincial policy. In the absence of a sub-watershed study or environmental impact statement, all lands identified as being part of the Municipality’s Natural System on Schedule “C” are assumed to be significant under provincial policy until their significance is confirmed through either a sub-watershed study or environmental impact statement. If the significance of a part of the Natural System is called into in question, it is the sole responsibility of the development proponent to demonstrate otherwise. For development applications for which the County of Elgin is the approval authority, the ultimate determination of significance will rest with the County. For development applications for which the Municipality is the approval authority, the ultimate determination of significance will rest with the Municipality.

5.6 Permitted Uses

5.6.1 Areas designated Natural System are to be maintained in their natural and undisturbed state and development and site alteration shall only be permitted subject to the other policies of this Plan. Notwithstanding the above the following uses shall be permitted in the Natural System:

- a) Forestry uses;
- b) Conservation uses;
- c) Passive recreational uses (such as recreational trails);
- d) Animal sanctuaries;
- e) Angling and hunting operations;

- f) Environmental research and education uses; and
- g) Agricultural uses, without buildings or structures.

5.6.2 Other uses may be permitted on a site-by-site basis, subject to policies below and the other policies and land use designations of this Plan.

5.6.3 Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue, normal farm practices to be undertaken in or adjacent to significant woodlands, or to prohibit the harvest of woodlands products in a manner that is sustainable and in accordance with any applicable by-laws.

5.7 Development In & Adjacent to Wetlands

Development and site alteration in significant wetlands and coastal wetlands is prohibited and is regulated by conservation authorities under the *Conservation Authorities Act*, with specific regard to interference with their hydrogeological function. Development proposed within 120 metres of a significant wetland or coastal wetland shall only be permitted subject to demonstrating, through an environmental impact statement, that there will be no negative impacts on the wetland's ecological features and functions, and a demonstration that the regulatory/permitting requirements of the conservation authority having jurisdiction can be met.

5.8 Development In & Adjacent to Other Natural System Features

5.8.1 Development and site alteration in significant woodlands, significant valleylands, ANSI, and significant wildlife habitat, shall be prohibited unless it can be demonstrated that:

- a) There is an appropriate rationale demonstrating why development should be located within the feature; or
- b) There is no feasible way to avoid development within the feature; and
- c) The proposed development will have no negative impacts on the site's ecological features and functions.

5.8.2 Development proposed within 120 metres of a noted Natural System feature shall only be permitted subject to demonstrating, through an environmental impact statement, that there will be no negative impacts on the Natural System's ecological features and functions.

5.9 Destruction & Alteration of the Natural System

Destruction and/or alteration of the Natural System through the development process is generally prohibited and only permitted in accordance with:

- a) a *Planning Act* approval;
- b) a permit issued under the County of Elgin's Tree Conservation By-law;
- c) a permit issued under the Conservation Authorities Act; or
- d) another relevant provincial or federal approval.

Where destruction of a component of the Natural System will occur as a result of an approval or permit issued by a planning authority, or has occurred without a required permission, development proponents will be required, through the conditions of a *Planning Act* approval, to restore the feature or provide compensatory restoration of equal or greater ecological value within the same sub-watershed.

5.10 Development in Fish Habitat & the Habitat of Threatened or Endangered Species

5.10.1 Development and site alteration within fish habitat or the habitat of threatened or endangered species will only be permitted in accordance with provincial and/or federal requirements. No planning approvals will be granted in either habitat until the Municipality:

- a) has reasonable confirmation that development can proceed in accordance with County, provincial and/or federal requirements; and
- b) that any required development and mitigation measures can be adequately conditioned as part of an approval (i.e. through either the conditions of a decision, legal agreement, etc.).

5.10.2 Where the habitat of threatened or endangered species is suspected or known, applicants shall be required to conduct a species at risk assessment prior to any development approvals being granted and any required mitigation measures. No development or site alteration shall be permitted until the applicant has provided the necessary documentation to the Ministry of Natural Resources.

5.11 Development & Surface Water Features

5.11.1 Surface water features refer to water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas,

recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation, or topographic characteristics. While not necessarily mapped in this Plan, surface water features in the Municipality are considered environmentally significant as they provide important drainage functions, species habitat, and have a direct impact on the overall environmental health of the Municipality. As such, it is the intent of this Plan to protect all sensitive surface water features from incompatible development. To that end:

- a) Development and site alteration shall be restricted on or near sensitive surface water features as recommended in any relevant sub-watershed study, environmental impact statement, or as detailed in the relevant source water protection plan (see Subsection 6.5 for further information), such that these features and their related hydrologic functions including water quality and quantity will be protected, improved, or restored; and
- b) Mitigative measures and/or alternative development approaches may be required to protect, improve, or restore sensitive surface water features, and their hydrologic functions including water quality and quantity and shall be implemented through the development approvals process.

5.12 Development & Ground Water Features

5.12.1 Ground water features refer to water-related features below the earth's surface, including recharge/discharge areas, water tables, aquifers, and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations. Ground water features in the Municipality are considered environmentally significant, and will be protected, as they provide drinking water, important drainage functions, and have a direct impact on the overall environmental health of the Municipality. Additionally certain groundwater features are considered sensitive, such as highly vulnerable aquifers and significant groundwater recharge areas as illustrated on Schedule "C" of this Plan. These features shall be protected from incompatible development, and to that end:

- a) Development and site alteration shall be restricted in or near sensitive ground water features as recommended in any relevant sub-watershed study, hydrogeological assessment, or as detailed in the relevant source water protection plan (see Subsection 6.5 for further information), such that these

features and their related hydrologic functions will be protected, improved, or restored;

- b) Development that proposes to use ground water as a drinking water source may be required to demonstrate, through a hydrogeological assessment and cumulative groundwater impact assessment, prior to any approval, that there will be no negative impacts to ground water quality and quantity for other uses that draw their drinking water from the same ground water source;
- c) Development that proposes to use on-site septic systems for sewage treatment may be required to demonstrate, through a geotechnical assessment, prior to any approval, that the proposed system(s) will not negatively impact ground water quality for other uses that draw their drinking water from the same ground water source; and,
- d) Mitigative measures and/or alternative development approaches may be required to protect, improve, or restore sensitive ground water features, and their hydrologic functions and shall be implemented through the development approvals process.

5.12.2 The need for a hydrogeological study, cumulative groundwater impact assessment, geotechnical report, or any other report or plan required to demonstrate suitability of development will be determined by the relevant approval authority in consultation with the Province.

5.13 Increasing Forest Coverage

The Municipality recognizes the critical role that woodlands play in maintaining ecological balance, mitigating the impacts climate change, and sustaining biodiversity within the Municipality of Bayham's watersheds. As such, it is policy of this Plan to contribute towards the County of Elgin's forest coverage target of 30% by 2044. In accordance with the County of Elgin Official Plan, the Municipality will work towards achieving this target based on the following policies:

- a) Requiring development proponents to demonstrate how their development proposal will assist in achieving the County's forest coverage target where there is an existing woodland on-site;
- b) Encouraging development proponents to incorporate naturalized woodlands into development proposals where on-site woodlands have been previously cleared; and,

- c) Working with the County, Indigenous nations, public/private organizations and intuitions, and industry to encourage and supporting tree planting on public and private lands.

5.14 Land Division & the Natural System

It is recognized that the protection and management of the Natural System is more effectively accomplished when natural features and areas are managed and/or owned contiguously. As such, applications for all forms of land division shall demonstrate regard for the effective management and stewardship of the Natural System and will minimize subdivision of the Natural System to the furthest extent feasible, balancing the need for the orderly and efficient development of land. Applications for land division to facilitate the protection of the Natural System by a public body, conservation organization, or land trust will be permitted and generally supported, subject to the other policies of this Plan.

6 TRANSPORTATION & INFRASTRUCTURE SYSTEMS

The Municipality's transportation system is composed of trails, local and county roads, a provincial highway, railways, and a marine port. These corridors and facilities are critical to the Municipality's economy, public health and safety, and the day-to-day needs of residents and visitors. Infrastructure systems primarily relate to water, wastewater, and stormwater management systems, but also include waste management, and power generation facilities. These systems comprise the backbone of both urban and rural development in the Municipality.

6.1 Composition of the Transportation & Infrastructure System

The Transportation and Infrastructure System is composed of:

- a) Provincial Highways;
- b) County Roads;
- c) Local Roads;
- d) Pedestrian and Cycling Trails;
- e) Municipal Drinking Water Systems;
- f) Municipal Sanitary Sewage Systems;
- g) Stormwater Management & Drainage Systems;
- h) Sourcewater Protection Areas;
- i) Railways;
- j) Marine Ports;
- k) Waste Management Operations;
- l) Telecommunications Facilities;
- m) Energy Generation Facilities; and,
- n) Linear Infrastructure Corridors (e.g. pipelines, electricity transmission corridors, etc.).

6.2 Transportation & Infrastructure Permitted Uses

Public service facilities, transportation infrastructure, and all other forms of infrastructure are permitted in all land use designations, with the general exception of areas forming the Natural System or designated Hazardous Lands, and subject to any regulatory requirements such as the provisions of the *Endangered Species Act*, etc.

6.3 Transportation Systems

6.3.1 *Road Classifications*

Roads in the Municipality shall be classified into a hierarchy on the basis of jurisdiction, function, user characteristics, speed and interconnections. The classification of roads and the existing and proposed road system is shown on all Schedules and Appendices of this Plan, and are identified as follows:

Provincial Highways - Provincial Highways are designed to provide a traffic moving function and are not intended to service adjacent lands. Provincial Highways typically service high volumes of traffic at high speeds.

County Roads – County Roads are designed to provide a range of traffic volumes for moving people and goods throughout the County of Elgin and to adjacent municipalities.

Local Roads – Local Road are Municipally-owned roads which are intended to provide access to abutting properties, to serve destinations as opposed to through traffic, and to act as feeders to the arterial road system.

Private Roads - Private roads are lanes, driveways, roads, or rights-of-way maintained by private individuals or bodies. It is the policy of this Plan to limit new development on private roads. The creation of a new lot for any purpose on a private road outside of a plan of condominium is not permitted, unless specifically permitted in this Plan.

6.3.2 *Right-of-Way Widths*

The required right-of-way width (or road allowance) of a road or highway shall be determined by the authority having jurisdiction. Generally, Municipality of Bayham-owned 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 that 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.

The right-of-way width for any public road may allow for the placement of travel lanes, turning lanes, utilities, infrastructure, high occupancy vehicle lanes, sidewalks, paths, bicycle lanes, medians, streetscaping and landscaped boulevards, where appropriate.

6.3.2.1 Daylighting Triangles

In addition to the road right-of-way width in Subsection 6.3.2, the Municipality may, without the need for an amendment to this Plan, require the dedication of lands to be used for 'daylight triangles', to provide sufficient sight distances and turning lanes to provide safe and appropriate access where major traffic

generators intersect. Where additional land is required for intersection improvements, such land shall be dedicated to the Municipality at no expense.

6.3.2.2 Exceptions

Notwithstanding Subsection 6.3.2, the Municipality recognizes that the reconstruction of roads to approved minimum standards in some existing developed areas may not be appropriate from a community design perspective or may not be economically or physically feasible. Any attempt to reconstruct such roads to minimize deficiencies shall only be undertaken after a study to determine a right-of-way which will result in a streetscape which minimizes impacts on abutting properties and is appropriate to the character of the area, while serving anticipated traffic volumes. No amendment to the Plan shall be required to implement such a modification to the right-of-way.

6.3.2.3 Dedication of Road Widening

As a condition of a development approval, land for road widenings shall be conveyed at no expense to the Municipality in accordance with the provisions of the *Planning Act*. As a general principle, required road widenings will be taken equally from both sides of the right-of-way. Unequal road widenings may be considered by the Municipality where the area is affected by a topographic feature which is difficult to overcome or costly to develop for road purposes.

6.3.3 ***Unopened Road Allowances***

The location of existing unopened road allowances are indicated on all Schedules and Appendices of this Plan, 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 by Council, or alternatively to establish a new road allowance.

6.3.4 ***Municipal Class Environmental Assessments***

It is the policy of this Plan that a Municipal Class Environmental Assessment (EA) for any Municipal road widening or extension project shall address whether there are other transportation alternatives, and how the project would implement the transportation goals, objectives, and policies of this Plan.

6.3.5 ***Impacts on Cultural Heritage Resources***

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 cultural heritage resources, especially on the character of streetscapes and major crossroads or intersections.

6.3.6 *Plan of Subdivision*

New roads created as a result of a plan of subdivision shall be constructed to the standards of the Municipality prior to assumption by the Municipality. Where new roads intersect Provincial Highways or County Roads, standards of construction at these intersections shall be subject to the approval of Ministry of Transportation (MTO) or the County.

6.3.7 *Provincial Highways*

In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's Permit Control Area under the *Provincial Transportation and Highway Improvement Act* are 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 or interchange / intersection within MTO's Permit Control Area will be subject to MTO policies, standards, and requirements. Direct access to a provincial highway is normally discouraged or prohibited and is only permitted at the sole discretion of the MTO. While provincial highways are delineated in this Plan, the reader should refer to the MTO's Corridor Management Office to determine the extent of the MTO's permit control area and to assess any restrictions, or requirements for development within the permit control area.

6.3.8 *Road Closure*

Council may stop-up and close existing Local roads and/or road related facilities, subject to the provisions of the *Municipal Act*, without the need to amend this Plan.

6.3.9 *Traffic Calming and Controlling Measures*

The Municipality may investigate traffic calming measures to be implemented in certain locations within the Municipality and/ or as a requirement of a development approval to promote pedestrian safety and mitigate negative effects of automobile traffic. Traffic calming features may be permitted subject to an evaluation by the Municipality of functional, operational, servicing, and financial issues associated with their use and will be installed at the sole discretion of Council.

6.3.10 *Pedestrian & Cycling Routes & Facilities*

The Municipality encourages the development and enhancement of interconnected systems of cycling and walking routes providing access to major activity and employment areas and to future public transit. To plan for, and encourage walking and cycling, the Municipality may:

- a) consider the provision of safe and convenient cycling and walking routes in the review of all development applications;
- b) require the provision of sidewalks for pedestrian movement in settlement areas, where appropriate;
- c) coordinate the installation of sidewalks on both sides of local roads within settlement areas;
- d) investigate and provide for cycling lanes wherever possible in the construction or reconstruction of roads and bridges;
- e) encourage and support measures which will provide for barrier-free design of pedestrian facilities;
- f) ensure that lands for bicycle/pedestrian paths are included with the land requirements for roads;
- g) ensure that the rights and privacy of adjacent property owners are factored into the design process for pedestrian and cycling routes; and,
- h) ensure that all pedestrian and cycling routes are designed to be safe; and,

6.3.11 *Marine Ports*

It is the policy of this Plan to support and encourage the establishment of a marina on Lake Erie at the mouth of Big Otter Creek.

6.3.12 *Railways*

The railways that traverse the Municipality are recognized as important economic and transportation corridors and land use controls will be used to protect these corridors. Where the Municipality is the approval authority, the Municipality will consult with railway authorities when sensitive land uses are proposed in proximity to active rail corridors.

6.3.12.1 Operations & Land Use Compatibility

To protect these railway corridors from incompatible uses, and to ensure new development is designed in a manner that protects safety and mitigates potential nuisance from rail operations. Development proposed within the Municipality shall be generally required to conform to the national guidelines for new development in proximity to railway operations. Alternative approaches / guidance may be considered in certain circumstances dependant on:

- a) The use(s) being proposed;
- b) Completion of relevant studies and analyses that demonstrate alternative approaches are appropriate; and,
- c) Implementation of appropriate alternative safety measures.

All of which shall be to the satisfaction of the Municipality and relevant railway operator. Proponents of development within 300 metres of an active railway right-of-way are encouraged to consult with the appropriate railway company prior to filing formal development applications.

6.3.13.2 Railway Setbacks & Influence Areas

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

Minimum recommended building setbacks for new sensitive land uses in proximity to railway operations, based on national guidelines, shall be incorporated into the Zoning By-law to ensure that the entirety of the Municipality's railway rights-of-way are protected for potential rail expansion. The following studies shall be required for development in proximity to railway rights-of-way and prepared to the satisfaction of the Municipality and the appropriate railway operator with recommended measures implemented through development approvals:

- a) A vibration study will be required where sensitive land uses are proposed within 75 metres of a railway right-of-way; and,
- b) Noise studies shall be required for development within:
 - i. 1,000 metres of a freight rail yard;
 - ii. 500 metres of a principal main railway line;
 - iii. 250 metres of a secondary main railway line;
 - iv. 150 metres of a principal branch line; and,
 - v. 100 metres of a secondary branch line or spur line.

6.3.13.3 Individual Railway Operator Requirements

It is recognized that each railway operator with facilities and operations has their own respective requirements. It is the general policy of the Municipality to generally defer to, and implement the requirements of each rail authority with respect to matters such as:

- a) the construction and maintenance of safety berms and fencing and other mitigation measures; and
- b) requirements for notices on title, warning clauses, and/or environmental easements.

In some cases, a railway operator may request grade separation between the rail corridor and a local or county road, or provincial highway as a condition of a development approval. The need for grade separation as a condition of approval

shall be determined by the relevant road authority in consultation with the Municipality, County, the relevant railway operator, and Transport Canada as the case may be.

6.4 Water, Sewage and Stormwater Systems

6.4.1 *Water & Sewage Servicing Hierarchy*

Provincial policy establishes a hierarchy of water and wastewater servicing. The hierarchy of sewage and water services to accommodate growth within the Municipality's settlement areas shall be evaluated based on this hierarchy as detailed below in order of preference:

- a) **Full municipal services** – development connected to both a municipal water service and municipal sewage service.
- b) **Communal services** – development connected to a private communal water system and private communal sewage system.
- c) **Individual services** – development connected to a private individual on-site water system and private individual on-site sewage disposal system.
- d) **Partial services** – development connected to a municipal water service and private sewage system, or connected to a municipal sewage service and private water system.

6.4.2 *Servicing in Settlement Areas & the Rural Area*

In accordance with the provincial water and wastewater servicing hierarchy established in Subsection 6.4.1, new development in the Municipality will be serviced as follows:

- a) **In Tier I Settlement Areas** – all new development shall proceed on the basis of full municipal services, except in cases of minor infilling of existing developed areas where private or partial servicing may be considered.
- b) **In Tier II and Tier III Settlement Areas** – all new development shall proceed on the basis of the servicing hierarchy established in Subsection 6.4.1 and as follows:
 - i. Development in the Village of Straffordville shall require proof of potable water by the Municipality.
 - ii. Development in the Hamlet of Eden shall require a connection to the existing municipal sewage system unless it can be demonstrated to the satisfaction of the Municipality that such connection is not feasible.
- c) **In the Rural Area** – development is anticipated to proceed on the basis of private communal or private individual on-site servicing.

Table 2 below provides an overview of the existing and proposed servicing arrangement for each of the Settlement Areas in the Municipality:

Table 2: Settlement Areas - Existing and Proposed Servicing

SETTLEMENT AREA	EXISTING SERVICING	PROPOSED SERVICING
Village of Vienna	Full Municipal Services	To remain as existing.
Village of Port Burwell	Full Municipal Services	To remain as existing.
Village of Straffordville	Partial Services (Municipal Sewage, Individual Water)	To remain as existing.
Hamlet of Eden	Partial Services (Individual / Municipal Sewage, Individual Water)	To remain as existing.
Hamlet of Richmond	Partial Services (Individual / Municipal Water, Individual Sewage)	To remain as existing.
Hamlet of Corinth	Individual Services	To remain as existing.
Hamlet of Calton	Individual Services	To remain as existing.
Hamlet of North Hall	Individual Services	To remain as existing.

6.4.3 Allocation and Phasing of Servicing

As part of the implementation of the servicing hierarchy provided in Subsection 6.4.1 and in order to ensure that servicing is provided in a manner that is integrated with the planning process, is sustainable, feasible and financially viable over their life cycle, and protects human health and the environment, the following shall be the policy of the Municipality:

- a) The timing of development shall be based on the management of the geographic sequence and balance such that:
 - i. there is a logical extension of Municipal services that avoids, where possible, large undeveloped tracts of land between the existing urban development areas and the proposed development;
 - ii. a compact form and pattern of development is maintained;
 - iii. impacts to the Natural System and watercourses have been considered and have been adequately mitigated or eliminated;
 - iv. the provision of all Municipal services, as appropriate, proceeds in an economically viable manner; and
 - v. first priority is given to reserving servicing capacity for employment lands, affordable housing, infilling, intensification and redevelopment.
- b) When allocated servicing capacity does not exist for a proposed development, the Municipality may consider the application premature and defer final approval until capacity is available, or until a servicing agreement in the form of a prepayment or front ending agreement is in place prior to the entering into the subdivision agreement to ensure that such capacity will

be available to service the development within three years of the granting of the planning approval. Where a subdivision is draft approved, a Holding provision will be applied in the Zoning By-law, which shall not be removed unless or until actual servicing capacity for both water and sewers will be available to the site in time for the completion of housing units for occupation. Prior to the removal of the Holding provision, the applicant must sign the required subdivision or site plan agreement;

- c) Draft approved plans of subdivision may only proceed to registration if sufficient servicing capacity continues to exist or if a servicing agreement is in place. Allocation for draft approved plans of subdivision shall be limited to a maximum of five years, or limited to a time period determined by the Municipality by by-law from time to time, in order to ensure reserve capacity is efficiently and effectively used;
- d) When the capacity of the Municipality's water and sewage facilities has been fully allocated and prior to the facilities reaching their hydraulic capacity, draft approval of plans of subdivision shall not be granted unless the Municipality demonstrates a commitment to the expansion of the facilities. This commitment should be demonstrated through the completion and approval of any required environmental approvals for the expansion of the municipal system; and,
- e) When conditions of development approval, draft plan approval or otherwise, are not fulfilled within the reasonable time period for which development approval has been granted, the Municipality may not support the extension of development approval and may assign the servicing allocation to other developments or areas of the Municipality, or hold the capacity in reserve.

6.4.4 *Monitoring of Servicing Capacity*

6.4.4.1 The Municipality shall establish a monitoring program for municipal and/or private systems including the monitoring of reserve capacity in municipal systems and monitoring of impacts on groundwater. The monitoring of servicing capacity is intended to identify the availability of required municipal water and sewage services for existing and future development. Development approvals shall be restricted on the basis of design capacity limitations.

6.4.4.2 The monitoring of water and sewer servicing capacity in Tier I, II, and II Settlement Areas may be included in:

- a) Annual briefings or status reports;
- b) Annual reports, such as reports prepared for capital and/or operational budgeting processes; and,
- c) Provincial performance measures reporting.

6.4.5 *Full Municipal Services*

6.4.5.1 For new development proposed to be connected to municipal water and/or sanitary sewage services, no lot creation by the County shall be granted until the Municipality has confirmed that there is sufficient uncommitted reserve capacity in the system to accommodate the proposed development. In cases where development is proposed in response to the planned/proposed establishment or expansion of municipal servicing, lot creation on a conditional basis, may be considered when:

- a) an *Environmental Assessment Act* approval has been given for the facilities; and,
- b) the facilities are completed or near completion, prior to the commencement of construction of the development.

6.4.5.2 Notwithstanding Subsection 6.4.5.1, it is recognized that in certain circumstances the construction of municipal servicing may be dependent on development being approved concurrently, in which case, the Municipality must have reasonable assurances in place that the proposed development will be fully coordinated with the installation of servicing, and that sufficient protections are in place to prevent premature development or occupancy of the proposed development.

6.4.5.3 Where development in a Settlement Area is not proposed to be connected to full municipal services, a servicing options study or brief containing a servicing options analysis based on the hierarchy of servicing established in Subsection 6.4.1 is generally required. The study or brief shall examine all forms of servicing and recommend a preferred servicing option that is suitable for the long-term provision of the service or services, and complies with the other policies of this Plan, particularly the policies of Subsections 5.12 and 6.5. In undertaking any required servicing options study or brief, the level of detail should correspond with the scale and intensity of the proposed use. It shall be at the general discretion of the Municipality, in consultation with the County of Elgin, to determine the need for the study or brief, its scope, and the preferred servicing option based on the policies of this Plan.

6.4.6 *Communal Servicing*

For new development proposed to be connected to communal sewage services, where municipal ownership of the communal service or services is not proposed, the applicant and the Municipality will be required, in accordance with the requirements of the Province, to enter into a municipal responsibility agreement whereby the Municipality accepts ownership of the communal service in the event of default by the private owner.

6.4.7 *Individual Services*

- 6.4.7.1 In settlement areas or portions of settlement areas serviced by individual on-site sewage services and individual on-site water services as identified in Table 2 above, growth will be limited to infill development of a size and scale that complies with the requirements of the implementing Zoning By-law and does not threaten the environment, human health and safety.
- 6.4.7.2 Any development outside of the designated Hamlets and Villages 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.
- 6.4.7.3 For new development proposed to be connected to private water and/or sanitary sewage services, confirmation that on-site conditions, including lot size, are suitable for the long-term provision of such services, with no negative impacts, is generally required. In undertaking any assessment or analysis of on-site conditions, the level of detail should correspond with the scale and intensity of the proposed use. It shall be at the general discretion of the Municipality, in consultation with the County, to determine the need for any analysis and its scope based on the policies of this Plan

6.4.8 *Partial Servicing*

- 6.4.8.1 In accordance with provincial policy, partial services are only permitted:
- a) where they are necessary to address failed individual on-site water and sewage services in existing development; or
 - b) Within settlement areas to allow for infilling and minor rounding out of existing development, provided that site conditions are suitable for the long-term provision of such services with no negative impacts; or
 - c) within a Tier II or Tier III Settlement Area where new development will be serviced by individual on-site water services in combination with municipal sewage services or private communal sewage services; or
 - d) within the Hamlet of Richmond where new development may be serviced by municipal water in combination with individual on-site sewage services.
- 6.4.8.2 The Municipality will endeavour to extend municipal water and/or sanitary sewage services to partially serviced areas to allow for future multi-unit development and intensification opportunities. Such expansion will be done in a manner that is consistent with policies of Section 6.4 of this Plan, however, nothing in this Plan shall be construed as a public commitment to extend municipal water and/or sanitary sewage services to partially serviced areas during the time framework of this Plan.

6.4.9 Stormwater Management & Drainage Systems

6.4.9.1 Stormwater management and drainage systems includes the Municipality's network of storm sewers, drainage swales, municipal drains, retention ponds, and erosion control measures. These components work together to mitigate flood risks, protect water quality, enhance resilience, and are important components to the creation of sustainable and resilient development. Stormwater management and drainage systems in the Municipality shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible, and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of climate change through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property, and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces;
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

6.4.9.2 In order to achieve no overall increase in the peak level and volume of stormwater runoff, all new development will be required to provide suitable site grading and outlet facilities for storm drainage. The Municipality may require applications for development or re-development to include a stormwater management plan prepared by a qualified professional, in accordance with the policies of this Section and other applicable policies of this Plan, to the satisfaction of the Municipality.

6.4.9.3 The Municipality may provide stormwater management infrastructure in the Village of Port Burwell in a manner that is viable, complies with all regulatory requirements and protects human health and the natural environment, however, nothing in this Plan shall be construed as a public commitment to provide such services.

6.5 Source Water Protection

6.5.1 The *Clean Water Act* mandates the creation and maintenance of regional source water protection plans. These plans are administered by conservation authorities and are intended to ensure the protection of municipal drinking water sources, whether they originate from groundwater or from Lake Erie, through a

multipronged approach including education and training, public awareness, and the regulation and permitting of development. In no case shall the Municipality grant any approval in contravention of an applicable source water protection plan, or implementing policies or regulations contained within this Plan and Zoning By-law.

- 6.5.2** The Long Point Region Source Protection Plan contains the policies for the protection of municipal drinking water sources within the Municipality. The policies of this Plan implement and complement the policies of the Source Protection Plans that apply within the Municipality.
- 6.5.3** The identified vulnerable areas within Bayham include the Wellhead Protection Area (WHPA) surrounding the Hamlet of Richmond wellhead. This WHPA is identified on Schedule “D” of this Plan. A WHPA is the area around a municipal wellhead where land use activities have the potential to affect the quality and quantity of water that flows into the well.
- 6.5.4** The WHPA is a special protection area where certain land uses involving a significant drinking water threat activity may be prohibited or regulated in accordance with Section 57 or 58 of the *Clean Water Act*, 2006, and the Long Point Region Source Protection Plan, notwithstanding the uses permitted by the underlying land use designation.
- 6.5.5** The following policies are intended to prohibit or restrict significant drinking water threats from establishing within the WHPA in accordance with the Long Point Region Source Protection Plan to ensure that permitted uses can be established with an acceptable level of risk to groundwater quality and shall apply to the time related capture zones identified in Schedule “D” to this Plan, including:
- a) WHPA-A: 100 metre radius surrounding the well – vulnerability score 10
 - b) WHPA-B: 2 year travel time for water to enter the well – vulnerability score 8
 - c) WHPA-C: 5 year travel time for water to enter the well – vulnerability score 6 or less
- The “vulnerability score” listed above for each WHPA plan identifies the degree to which a WHPA in the Municipality is vulnerable to contamination. The vulnerability score of a WHPA can range from 2 to 10, with 10 being the most vulnerable. The vulnerability score is used, together with a table of drinking water threats, published by the Ministry of the Environment, Conservation and Parks, to determine whether a drinking water threat is either significant, moderate or low.
- 6.5.6** Land use activities which may pose a drinking water threat to municipal water supplies include the following:

- a) The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage;
- b) The application, storage and management of agricultural source material to land;
- c) The application handling and storage of commercial fertilizer to land;
- d) The application, handling and storage of pesticide to land;
- e) The application, storage and management of road salt;
- f) The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard;
- g) An activity that takes water from an aquifer or surface water body without returning the water to the same aquifer or surface water body; and,
- h) An activity that reduces the recharge of an aquifer.

6.5.7 The Municipal Risk Management Official shall determine whether a new land use or activity is, or involves, a significant drinking water threat and whether the use or activity is prohibited, or regulated through a Risk Management Plan in accordance with Long Point Region Source Protection Plan or a prescribed instrument. Therefore, notwithstanding the land uses permitted by the underlying land use designation in this Plan, permitted land uses that involve a significant drinking water threat within a WHPA may be either prohibited or regulated by the Long Point Region Source Protection Plan

6.5.8 An application for development, redevelopment, or site alteration for any land use, except solely residential uses, within a WHPA that may involve a significant drinking water threat shall only be deemed complete under the *Planning Act* if the Risk Management Official has issued a Section 59 Notice in accordance with the *Clean Water Act, 2006*. The Risk Management Official may provide guidance to assist the Municipality in screening applications for development, redevelopment or site alteration.

6.6 Energy Systems

6.6.1 Energy Efficiency

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. The Municipality supports the use of recognized building and development certification programs as means to increasing energy efficiency and decreasing impacts of development on the environment.

6.6.2 *Electric Power Facilities*

All existing electric power facilities and the development of any undertakings of the relevant utility company or successor companies, but not including buildings or land used for executive, administrative or retail purposes, or held under lease or license from the relevant utility company, 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 Municipality, the relevant utility company shall consult with the Municipality and have regard for the policies of this Plan.

6.6.3 *Alternative & Renewable Energy Systems*

As a source of clean and independent energy, alternative and renewable energy systems can significantly reduce carbon emissions and improve the resiliency of the Municipality's energy supply. As such, policies relating to alternative and renewable energy systems are as follows:

- a) The Municipality encourages the development and use of alternative and renewable energy systems for electricity production, as a source of renewable energy for the economic and environmental benefit of the Municipality, County and the Province, including wind, water, biomass, methane, solar, and geothermal energy;
- b) New or expanded alternative or renewable energy systems should be designed and constructed to minimize impacts on adjacent land uses to prevent adverse impacts from odours, noise and other contaminants and minimize risk to public health and safety; and,
- c) Renewable energy system proponents are encouraged to contact the municipality prior to commencing any necessary background studies, to determine the nature and scope of the issues, which need to be addressed as per the municipal consultation requirements under Ontario Regulation No. 359/09.

6.6.4 *Large Scale Alternative & Renewable Energy Systems*

6.6.4.1 This section applies to non-wind related large-scale alternative and renewable energy systems. The Municipality of Bayham supports the development of large-scale alternative and renewable energy systems and facilities intended for public electricity production and the manufacture of energy products intended to reduce reliance on fossil fuels, as sources of energy for the economic and environmental benefit of the Municipality, County and the Province. Such systems and facilities may be permitted in any rural or urban land use designation subject to the following criteria:

- a) The system and/or facility will have convenient access to railways, major highway routes, transmission corridors or rights-of-way, for the transportation / transmission of energy or energy products;
- b) The preferred form of servicing will be municipal water and sanitary services necessary for the production facility. Alternatively, development may occur on private water and sanitary services, where the proponent has demonstrated long term capacity for private on-site water and sanitary services without negative impacts on the quality and quantity of water on surrounding lands; and,
- c) When located in a rural land use designation, the system and/or facility will generally be located on lower priority agricultural lands and positioned on-site to minimize disruption to normal farm practices.

6.6.4.2 Large-scale alternative and renewable energy systems and facilities may be permitted by an amendment to the implementing Zoning By-law, in both urban and rural land use designations, where the applicant demonstrates through appropriate studies undertaken by qualified professionals that land use compatibility issues related to the amendment application have been addressed to the satisfaction of the Municipality. The proponent shall undertake one or more of the following applicable studies:

- a) A noise impact study will be undertaken to determine setbacks for systems and facilities from sensitive land uses in accordance with Ministry of the Environment Conservation and Parks guidelines;
- b) A visual impact study will be undertaken to determine the impact and mitigation measures required for any structures on surrounding sensitive land uses;
- c) An environmental impact study shall be undertaken where hazardous lands and natural heritage features or functions are identified in this Plan. 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) Where a significant amount of agricultural land is intended to be removed from agricultural use, an agriculture impact assessment will be required demonstrating that the proposed system or facility does not negatively impact normal farm practices, and avoids impacts on the agricultural system, or, where avoidance is not possible, minimizes and mitigates impacts in accordance with the agriculture impact assessment; and,

- e) Any other such background studies as deemed necessary by Council prior to consideration of the amendment, related to odour, vibration, municipal servicing capacity, traffic, or other land use impact.

6.6.4.3 Large scale alternative and renewable energy systems and facilities shall be subject to a site plan agreement, for the location of road access, parking, accessory buildings, vegetative buffers, location of external works/facilities, storm water management/ drainage and any other identified impact mitigation facilities/measures.

6.6.5 *Small Scale Wind Energy / Alternative & Renewable Energy Systems*

Small-scale wind energy systems and alternative and renewable energy systems intended primarily for on-site energy production and use shall be permitted as of right in any zone as an accessory use, provided any structures, facilities or appurtenances associated with the system comply with the regulations of the zone in which it is located; and provided that the system does not create any adverse impacts on surrounding land uses.

6.7 Linear Infrastructure Corridors

Linear infrastructure corridors include major above or below grade corridors for the provision, generation, transmission, distribution and storage of electricity, fuel, or accommodation of communication facilities / infrastructure. Such corridors may be associated with gas, oil, or electric power, as well as broadcast, telecast, fiberoptic, or optical wireless mediums essential to the energy and telecommunication needs of the Municipality, County, Province, and Country. To that end, new or existing corridors shall be protected from incompatible development by consulting with the relevant corridor authority during the development review process and incorporating appropriate setbacks and development standards into development proposals.

6.8 Telecommunications Facilities

Where companies subject to federal or provincial control propose new utility installations, it is the policy of this Plan to encourage where feasible and appropriate:

- a) the screening of antennas and towers from view from roads or scenic vistas through landscaping, fencing or other architectural screening;
- b) the use of innovative design measures such as the integration of such uses with existing buildings and/or streetscape features such as gateways, lamp posts and signs;
- c) the co-location clustering of different utilities to minimize impacts;
- d) the use of existing infrastructure where possible such as water towers or utility poles; and,
- e) the siting of utilities away from sensitive land uses.

6.9 New or Expanding Waste Management Operations & Waste Disposal Sites

Waste management operations include, landfills, transfer stations, composting facilities, recycling facilities, septage haulage and disposal sites, and waste materials haulage and disposal. These facilities may only be operated, expanded, or closed in accordance with the policies of this Plan, and provincial requirements. New or expanding waste management operations may be permitted, subject to the policies of this Plan:

- a) the proposed operation shall be located in either the Rural Area, excluding agriculturally-designated lands in this Plan, or in an employment designation, subject to an amendment to this Plan and Zoning By-law Amendment;
- b) any required approval under the *Environmental Protection Act* and *Environmental Assessment Act* shall be received prior to any Municipal approval being given;
- c) the proposal shall be supported by appropriate environmental studies in accordance with provincial guidelines and requirements, to ensure negative impacts on surrounding lands are mitigated and/or eliminated to the satisfaction of the Municipality;
- d) New operations shall be located where they are compatible with adjacent land uses (existing and designated);
- e) Site development shall provide for progressive rehabilitation and reuse of the site;
- f) New or expanding waste disposal sites, shall generally be located a minimum of 500 metres from a settlement area boundary, and any sensitive land uses, as per provincial guidelines; and,
- g) Where a sensitive land use is proposed within 500 metres of an existing waste disposal site, land use compatibility shall be evaluated as per provincial guidelines.

7 NATURAL RESOURCE MANAGEMENT AREAS

It is the general policy of this Plan to ensure that known natural resource deposits, and extraction operations are identified and protected in the long term, and to direct incompatible development away from known deposits and extraction operations.

The Natural Resource Management Areas in the Municipality of Bayham are composed of:

- a) Areas of potential aggregate resource;
- b) Areas of potential mineral resource;
- c) Areas of potential petroleum resource; and,
- d) Natural resource extraction operations.

7.1 Permitted Uses

In areas designated as an area of aggregate resource; area of mineral resource; and / or area of petroleum resource, the primary use of land shall be for natural resource extraction operations, and those uses permitted in the land use designations identified in Schedule “B” of this Plan. Lands that are licensed by the Province pursuant to the *Aggregate Resources Act*, shall be identified as “Licensed Pits and Quarries” and permit natural resource extraction operations, notwithstanding any contrary designation on Schedule “B” of this Plan.

The following uses shall be permitted as accessory uses for natural resource extraction operations:

- a) Accessory office uses;
- b) Aggregate processing operations; and
- c) Recycling of aggregate.

7.2 Existing, New or Expanding Extraction Operations

The extraction of mineral aggregate resources through existing, new or expanding mineral aggregate extraction operations will be undertaken in a manner which minimizes social, economic and environmental impacts, and appropriately uses and manages mineral aggregate resources. It is the policy of the Municipality that:

- a) In accordance with the *Aggregate Resources Act*, Provincial Planning Statement, and the policies of this Plan, mineral aggregate resources will be protected for long-term use.

- b) The identification of significant mineral aggregate resources does not presume that all lands located within these areas are suitable for the establishment or expansion of new or existing mineral aggregate operations.
- c) There is potential for deposits of mineral aggregate resources to exist outside of the areas identified on Appendix “2” that were not identified at the time this Plan was prepared. The extraction of mineral aggregate resources may be permitted outside of the mineral aggregate resource areas identified on Appendix “2” with an Official Plan Amendment.
- d) Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts will be permitted in all designations without the need for amendment to this Plan or Zoning By-law, except in those areas of existing development or particular environmental sensitivity which have been determined by the Municipality to be incompatible with extraction and associated activities.
- e) Non-resource extraction development in, or within 300 metres, of known aggregate, mineral, and petroleum deposits, which would preclude or hinder the establishment of new operations or access to these resources shall only be permitted if:
 - i. resource use would not be feasible;
 - ii. the proposed land use or development serves a greater long-term public interest; and
 - iii. issues of public health, public safety, and environmental impact are addressed.
- f) Extraction operations shall be protected from incompatible 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. Where the *Aggregate Resources Act* applies, only processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing mineral aggregate operations. Non-resource extraction development proposed within 300 metres of an existing mineral or aggregate extraction operation shall demonstrate through an aggregate impact assessment that:
 - i. the proposed development will not preclude or hinder the existing extraction operation or the establishment of new operations;
 - ii. impacts such as noise, dust, vibration can be mitigated through design; and,
 - iii. where residential and other sensitive land uses are proposed adjacent to an extraction operation, the applicant shall demonstrate that the quality and quantity of groundwater is, and will be, suitable for the proposed development considering the current and fully approved capacity and extent of the adjacent extraction operation.

- g) Where mineral aggregate resources is identified on Appendix “2” of this Plan, a Zoning By-law Amendment Application for new mineral aggregate extraction operations, or expansions to an existing mineral aggregate extraction operation shall be required. The applicant may be required to prepare the following studies in support of the Zoning By-law Amendment Application to the satisfaction of the Municipality:
- i. A Land Use Study that demonstrates that the proposal will be compatible with the land use policy framework and the goals and objectives of this Plan;
 - ii. A Visual Impact Study that demonstrates the proposal is compatible with the rural character and landscape and will avoid or, where avoidance is not possible, will mitigate visual impacts through adequate buffering, screening, and other mitigation measures;
 - iii. A Transportation Impact Study that satisfies the requirements of the Municipality, the County, and/or the Ministry of Transportation as applicable;
 - iv. An Environmental Impact Study that demonstrates how the form, function, and integrity of environmental features, areas, and systems that may be impacted by the operation will be protected and any permitted impacts mitigated in accordance with the applicable policy framework and requirements of different authorities having jurisdiction;
 - v. A Hydrogeological Study that demonstrates how water resources will be protected, including surface water and groundwater;
 - vi. A Cultural Heritage Impact Study that reviews the impacts on cultural heritage resources and demonstrates how identified cultural heritage resources will be conserved consistent with the Cultural Heritage policies of this Plan;
 - vii. A Noise, Vibration, Dust and Air Quality Impact Study in accordance Noise, dust and vibration, in accordance with Provincial Standards;
 - viii. A Rehabilitation Plan that demonstrates how progressive rehabilitation will occur in accordance with this Plan and how the final rehabilitation plan is consistent with the requirements of the *Aggregate Resources Act*;
 - ix. An Agricultural Impact Assessment in accordance with Provincial Standards;
 - x. Other matters identified by the Province, County, or Municipality; and
 - xi. Requirements under the *Aggregate Resources Act*.
- h) Where the licensee has circulated an application under the *Aggregate Resources Act*, to expand an existing licensed mineral aggregate extraction operation or increase the depth of extraction which does not require the approval of a development application, the Municipality will review and provide comments on the application to the Province in the context of all policies in this Plan that would apply to an

application for a new or expanding mineral aggregate extraction operation. The Municipality will encourage the Province to ensure that all appropriate requirements resulting from the review of an application for a new or expanding mineral aggregate extraction operation are imposed and enforced as conditions on the license or through the site plan required under the *Aggregate Resources Act*.

7.3 Extraction Operations in the Agricultural Area

Natural resource extraction is permitted on lands designated “Agricultural Area” in Schedule “B” of this Plan, as an interim use provided that:

- a) impacts to the agricultural are avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and,
- b) the site will be rehabilitated back to an agricultural condition whereby substantially the same areas and same average soil quality for agriculture are restored, except where:
 - i. there is a substantial quantity of mineral aggregate resources below the water table warranting extraction;
 - ii. the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
 - iii. other mineral aggregate resource extraction alternatives, in areas of Canada Land Inventory Class 4 through 7 soils and resources on prime agricultural land where rehabilitation is feasible, have been considered by the applicant and found unsuitable, provided that, where no other alternatives are found, prime agricultural land will be protected in this order of priority: Canada Land Inventory Class 1, 2 and 3; and,
 - iv. Agricultural rehabilitation in remaining areas is maximized.

7.4 Rehabilitation of Extraction Operations

The Municipality shall require the rehabilitation of mineral aggregate extraction operations after the extraction and other related activities has ceased. It is the policy of the Municipality that:

- a) Rehabilitation of the licensed area shall be in accordance with the approved rehabilitation plan for the site. Any significant changes to the rehabilitation plan for a licensed area shall be assessed by the Municipality.
- b) As a pit or quarry operation progresses, the subject lands will be progressively rehabilitated to accommodate subsequent land uses.
- c) Progressive and final rehabilitation will be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of

extraction, and to minimize impacts, to the extent possible. Final rehabilitation will take into consideration the pre-extraction land use designation and conditions, and compatibility with the character of the surrounding land uses and approved land use designations, in consideration of the Municipality, as well as the opportunity to accommodate parks and open space uses or enhancing the natural environment system;

- d) Comprehensive and coordinated rehabilitation planning is encouraged where there is a concentration of mineral aggregate extraction operations;

7.5 Petroleum Resources

- 7.5.1** Petroleum resources shall mean oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. Appendix “2” of this Plan identifies the ‘Areas of Petroleum Resource’.
- 7.5.2** The exploration for and the production of oil, gas, and salt resources including related buildings, structures, pipelines and related facilities shall be permitted in all land use designations, except Settlement Areas. All exploration and production activities are to be in compliance with the *Oil, Gas, and Salt Resources Act*, and the regulations and operating standards thereto.
- 7.5.3** The Municipality shall support the subsurface storage of oil, gas, and salt resources, subject to provincial regulations, so long as they do not adversely affect surface development rights as set out in this Plan.
- 7.5.4** The Municipality shall support the proper disposal of oil field brines, in accordance with Provincial regulations.
- 7.5.5** New development shall be set back 75 metres from existing petroleum extraction wells or as required under the *Oil, Gas and Salt Resources Act*. Existing or abandoned petroleum wells are identified on Schedules “B2”, “B3” and Appendix “1”. 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.
- 7.5.6** The Municipality shall encourage the use of technology for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a natural heritage feature or cultural heritage landscape. 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 Municipality may specify a location.

- 7.5.7** 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.
- 7.5.8** As a condition of approving subsequent development on former petroleum resource areas, the Municipality will require that improperly abandoned wells that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe in accordance with provincial requirements. Buildings and structures shall be located away from possible well sites, unless it can be proven that development can safely occur. Any development proposals on known historic salt solution mining activity areas will require a geo-technical study completed by a qualified engineer to ensure that development can occur safely
- 7.5.9** If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

8 DEVELOPMENT HAZARDS

Development hazards, both natural and human-made, identify areas that will generally be restricted from development. These lands contain physical characteristics that have the potential to negatively impact public health and safety and create risks to property and infrastructure due to natural and human-made hazards. This Plan directs development to areas outside hazardous lands regulated by the Conservation Authority and prohibits development on, or adjacent to, contaminated sites, former landfills, and abandoned petroleum wells, except in accordance with provincial guidelines and regulations. The Long Point Region Conservation Authority is a key partner in this effort through the administration of its policies and regulations under the *Conservation Authorities Act*.

8.1 Composition of Development Hazards

Development Hazards are composed of:

- a) Hazardous lands, such as floodplains, dynamic beach hazards, and erosion hazards;
- b) Hazardous sites;
- c) Former waste disposal sites;
- d) Contaminated and potentially contaminated sites;
- e) Oil, Gas, and Salt Hazards;
- f) Wildland Fire Hazards;
- g) Former Natural Resource Extraction Operations; and,
- h) Abandoned petroleum wells.

8.2 General Policy

Hazardous lands are lands that could be unsafe for development due to naturally occurring processes or as a result of human interference. Along the shoreline of Lake Erie, this means the land, including land covered by water and the furthest landward limit of the flooding hazard, erosion hazard, or dynamic beach hazard limits. Along river, stream, or small inland lake systems, this means the land, including land covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. Hazardous sites include lands that could be unsafe for development due to naturally occurring hazards such as unstable soils including sensitive marine clays (leda) or organic soils, or unstable bedrock (karst topography). It is the general policy of this Plan that development and site alteration be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health and safety or of property damage, and not create new or aggravate existing hazards.

8.3 Role of Conservation Authority

It is the policy of this Plan to recognize and respect the role that Conservation Authorities play, through their delegated responsibility, and legislative mandate and authority in regulating development and alteration activities within and adjacent to natural hazards. This is often referred to as a ‘regulated area or regulation limit’, being the area subject to Ontario Regulation 41/24, as amended, ‘Prohibited Activities, Exemptions and Permits’ under the *Conservation Authorities Act*. As such, it is the policy of the Municipality to generally defer to, and implement, the requirements of the Conservation Authority having jurisdiction with respect to development and alteration activities in hazardous lands and sites.

8.4 Identification of Hazardous Lands & Sites

It is recognized that the mapping of hazardous lands and sites in this Plan is approximate. The policies of this section apply to all hazardous lands and sites regardless of whether they are identified in this Plan. Changes to the limit of hazardous lands and sites may be considered through the findings of technical studies prepared by a qualified professional, such as a geotechnical report, hydrogeological report, or slope stability study completed to the satisfaction of the County, Municipality and Conservation Authority. If a change to the limit of hazardous lands and sites has been demonstrated to be appropriate, the revised limit shall prevail, and no amendment to this Plan shall be required.

8.5 Permitted Uses

In areas designated as Hazardous Lands on Appendix “1” of this Plan, hazardous sites, former waste disposal site, or identified as a contaminated or potentially contaminated site, the use of land shall be those uses permitted in the underlying land use designations of this Plan, subject to the policies of this section.

8.6 Hazardous Lands & Sites

Development in hazardous lands and sites shall generally not be permitted and only considered where the following are demonstrated and achieved:

- a) a justification is provided as to why it is not possible to locate the development outside of the hazard;
- b) development and site alteration is carried out in accordance with erosion and floodproofing standards, protection works standards, and access standards of the conservation authority having jurisdiction;
- c) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies;
- d) new hazards are not created, and existing hazards are not aggravated; and,

e) no adverse environmental impacts will result.

Notwithstanding the above, institutional uses; essential emergency services; and or uses associated with the disposal, manufacture, treatment, or storage of hazardous substances shall be prohibited from locating in hazardous lands and sites.

8.7 Floodplains

8.7.1 It is the intent of this Plan that no development or site alteration be permitted within the floodplain of a river or stream system to minimize and eliminate any risks to life and property resulting from flooding, in accordance with the Conservation Authority regulations. Unless otherwise stated, floodplain lands within the Municipality are implemented using a one-zone approach, except in areas where a flood fringe has been established using an approved two-zone floodplain management concept, or where authorization has been obtained from the Conservation Authority. Buildings and structures are not permitted within the floodplain, except where authorization has been obtained from the Conservation Authority.

8.7.2 Lands that may be subject to periodic flooding or slope instability are identified as either “Floodway” or “Flood Fringe” on Schedule “B2” using a two zone concept for flood plains. These lands are associated with the Big Otter Creek, which flows through the Village of Vienna.

8.7.3 Prior to the erection or alteration of any buildings or structures that may be permitted by the policies of this subsection, or any other construction that will require floodproofing measures, a property survey shall be completed to verify topographic elevations using established vertical datum to align with Conservation Authority having jurisdiction..

8.7.4 *Floodway*

The “Floodway” designation shown on Schedule “B2” is based on a hydrologic calculation to develop a two zone flood concept of the 1:100 year storm event on the Big Otter Creek. The following policies are applicable:

- a) The erection of any buildings or structures other than those required for flood or erosion control or otherwise permitted in this subsection are prohibited;
- b) The following uses may be permitted, subject to the authorization of the Conservation Authority and compliance with the regulations of the Zoning By-law:
 - i. Open space for public or private recreation purposes excluding permanent buildings and structures;

- ii. Open space for marinas and water-oriented commercial and recreational uses;
 - iii. Agricultural uses, excluding buildings and structures;
 - iv. Storage yards and parking areas; storage materials as long as they are not explosive, buoyant, corrosive, flammable, or a pollutant;
 - v. Roads, bridges, railways and other public services of approved hydrologic design;
 - vi. Appurtenances that would not obstruct the passage of flood waters or debris; and
 - vii. Approved structural works used for flood and erosion or sediment control.
- c) Existing uses will be recognized in the Zoning By-law as legal non-conforming uses. Minor extensions or enlargements to existing buildings and structures which are not otherwise prohibited by this Plan shall comply with the regulations of the Zoning By-law and are subject to the authorization of the Conservation Authority, including acceptable floodproofing elevations and measures. The Conservation Authority will determine whether the proposal is minor in nature and specify the level of floodproofing required; and,
- d) If partial or 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 existed immediately before its destruction, subject to the authorization of the Conservation Authority, including acceptable floodproofing elevations and measures. Where there is land available to relocate the building or structure to another location on the property that is not subject to flooding, all avenues shall be considered to protect the building or structure from future risks and relocate outside of the hazard.

8.7.5 *Flood Fringe*

The “Flood Fringe” designation shown on Schedule “B2” is based on the Regulatory Flood level (1:100 Year Storm Event) of the Big Otter Creek. The “Flood Fringe” defines the upper limit of flooding under the most severe regulation flood conditions and applies to the area(s) between the “Floodway” level and the Regulatory Flood Level. The following policies are applicable:

- a) The development of buildings and structures may be permitted in the “Flood Fringe” designation subject to the authorization of the Conservation Authority, including acceptable floodproofing elevations and measures, and shall comply with the regulations of the Zoning By-law, including acceptable

floodproofing elevations and measures. Safe access for vehicles and pedestrians must be provided and maintained during flood conditions;

- b) The permitted uses and floodproofing requirements for buildings and structures in the “Flood Fringe” designation shall be detailed in the Zoning By-law;
- c) Existing uses may be recognized as permitted uses by the underlying land use designations. The extension, enlargement, expansion and redevelopment or floodproofing of existing buildings and structures may be permitted in the “Flood Fringe” designation and shall comply with the regulations of the Zoning By-law and are subject to the authorization of the Conservation Authority, including acceptable floodproofing elevations and measures;
- d) If partial or total destruction of a building or structure occurs in the “Flood Fringe” designation due to flood, fire or other natural disaster, that building or structure may be rebuilt, subject to compliance with the regulations of the Zoning By-law and the authorization of the Conservation Authority, including acceptable floodproofing elevations and measures; and,
- e) Placement or removal of fill shall require the authorization of the Conservation Authority.

8.8 Dynamic Beach Hazards

Dynamic beach hazards are composed of inherently unstable accumulations of shoreline sediments along Lake Erie, as identified by provincial standards. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance determined by the Conservation Authority on a site-by-site basis in consultation with the County and Municipality. No development or site alteration shall be permitted in a dynamic beach hazard.

8.9 Erosion Hazards

Erosion hazards are areas of land that are subject to land regression or retreat from a combination of geologic, seismic, hydrologic, or humanmade factors, and as such they pose a potential threat to safety, property, and infrastructure. To that end, development shall be directed to an area outside of the erosion hazard limit of a riverine valley slope. The use of stabilization works to adjust the erosion hazard limit or development setbacks for the purposes of increasing the potential development envelope or permitting new development and/or site alterations within the limit shall not be permitted.

8.9.1 *Determining the Erosion Hazard Limit*

The erosion hazard limit will be determined by the Conservation Authority on a site-by-site basis in consultation with the County and Municipality. Provincial

guidelines related to natural hazards will be used as a basis for determining the limit.

8.9.2 *Lake Erie Shoreline Erosion Hazard*

8.9.2.1 The high bluff reaches of the shoreline of Lake Erie in the County experience severe rates of erosion. Notwithstanding Subsection 8.9.1, the Lake Erie erosion hazard limit shall be determined by a qualified professional retained by the proponent to the satisfaction of the Conservation Authority on a site-by-site basis in consultation with the County and Municipality using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a 100-year time span), an allowance for slope stability, and an erosion/erosion access allowance.

8.9.2.2 New development shall not be permitted within the Lake Erie shoreline erosion hazard limit. Replacement and/or relocation of existing buildings or structures located within the Lake Erie shoreline erosion hazard may be permitted subject to the approval of the Conservation Authority.

8.10 Docks and Waterfront Structures

Docks, waterfront and marina structures on property abutting water shall be subject to the approval of the Conservation Authority, unless otherwise stated under Section 5 of Ontario Regulation 41/24, and where title to the bed of the waterway is vested with the Crown, the Ministry of Natural Resources and Forestry. The following policies are applicable to these structures:

- a) Be designed, constructed and maintained in a manner that contributes to the amenity of the Municipality;
- b) Be capable of withstanding damaging storms, ice and high water conditions, or alternatively be designed to be removed during winter months. Seasonal structures are to be removed prior to winter freeze-up;
- c) Not contain sanitary facilities unless connected to municipal sewers;
- d) Be located so as not to interfere with navigation or aids to navigation;
- e) Be constructed and placed so as to minimize the impact on natural vegetation and topography; and
- f) Not contain any residential accommodations.

8.11 Public Road Access

The Municipality is subject to significant shoreline erosion hazards and continues to lose tableland through this natural process along Lake Erie. Where existing opened municipal roads are in proximity to the shoreline, there is potential loss of public access when the road becomes unsafe for public use. This loss of access may remove access to private

lands. The following policies provide an approach to address access to these private lands and to maintain public safety.

- a) The Municipal Engineer shall monitor and assess the Lake Erie Shoreline erosion risk where the distance from the top of bank to the public right of way is 50 m or less. Where the assessment determines that the public road or public infrastructure in proximity to the top of bank is at risk of further erosion to a distance of 25 m or less, the Municipality shall close the road to public access to ensure safety and make any public infrastructure safe for public use. Council is under no obligation to address loss of public road access to private lands created by natural erosion processes along the Lake Erie Shoreline. The Elgin County Shoreline Management Plan (Baird 2015) can be used as a reference for assessing shoreline erosion;
- b) Where the road is closed to public access the Municipality may undertake an assessment of the land owners affected by the road closure to determine the impact of the loss of the road for private access and the need to provide emergency services. The assessment shall include the number of properties affected and their assets; alternative methods of providing private access; the cost efficiency of the access; the desirability of replacing a public access and related land use planning matters;
- c) Where Council deems it necessary to maintain public road access for public health and safety, Council may consider a wide range of methods to obtain and secure long term emergency access for these private lands; and,
- d) Council shall notify the land owners affected by the closing of the public right of way and inform them of any assessments or report directed by Council, regarding the closing of road allowances or the creation of alternative access to their lands.

8.12 Hazardous Lands & Climate Change

Severe weather associated with climate change is anticipated to cause increased instances of flooding, erosion, and stormwater runoff as it adversely impacts precipitation levels. The Municipality recognizes the potential impacts of climate change on the built and natural environment. As such, the Municipality must adapt to protect safety, property, and infrastructure from increased risks of flooding and erosion. To that end, the Municipality will:

- a) Encourage the use of vulnerability or risk assessments, when appropriate, to consider potential increased erosion rates, water levels, and extreme weather events and their potential impact on development;
- b) Encourage the incorporation of adaption strategies for new development that account for changing erosion patterns, flooding, and related climate impacts;
- c) Encourage the protection and restoration of natural buffers such as riparian vegetation which can mitigate erosion hazards and enhance resilience;

- d) Ensure that when infrastructure must be located on hazardous lands, it is designed to withstand increased erosion, flooding, and extreme weather events; and,
- e) Participate in monitoring programmes and the development of climate change adaptation strategies with the Conservation Authority, including but not limited to the following:
 - i. Council may prepare and adopt a Municipal Energy Plan setting out targets to conserve energy and reduce overall energy consumption in the Municipality. Where new development or redevelopment is proposed, the Municipality will encourage the owners to use energy conservation measures in the orientation, design, construction and maintenance of the buildings or property.
 - ii. Council may prepare and adopt a Local Action Plan setting out targets to reduce green house gas (GHG) emissions in the Municipality. This Plan will provide direction for the development or redevelopment of land or buildings to reduce the amount of GHG emissions. It is a policy of this Plan to consider actions related to buildings, outdoor areas and public and private transportation to support the achievement of GHG emission reduction targets.
 - iii. Council will consider the increased risk associated with climate change related to intensity and volume of rainfall, increased intensity of weather events, fluctuation in temperature, and related weather changes when approving development applications or site alterations. Public works and infrastructure will be designed and built or rebuilt to adapt to the changing climate.
 - iv. Council will encourage energy production technologies and form as set out in Subsection 6.6 of this Plan as an approach to reduce the GHG emissions in the Municipality.

8.13 Development Subject to a Planning Act Approval

In the event that development subject to a *Planning Act* approval is exempted from the regulatory process of a conservation authority under provincial legislation the Municipality shall be satisfied that all planning, development, and site alteration considerations regarding any proposed development or site alteration of hazardous lands and sites shall be incorporated into the conditions of approval or through a development agreement, in consultation with the Conservation Authority having jurisdiction prior to the granting of any approval for which the Municipality is approval authority.

8.14 Development & Waste Disposal Sites

The following policies apply to development in proximity to all known/unknown active and former (closed) waste disposal/transfer sites situated both within the Municipality of Bayham and those situated in adjacent municipalities within the 500-metre

assessment area of the municipal boundary, and which are identified as land use constraints on Appendix “1” to the Plan where their location is known:

- a) The development of new uses or new/enlarged buildings or structures within 500 metres of an active waste disposal site may be permitted, provided an assessment prepared by a qualified professional in accordance with provincial guidelines is completed to determine:
 - i. whether the proposed use will be adversely affected by the waste management site; and,
 - ii. the appropriate buffering and monitoring requirements.
- b) Notwithstanding policy 10.14(a), no buildings or structures are permitted, and no land uses other than agriculture and/or buffer strip shall take place within 30 metres of the perimeter of an active waste disposal site, unless otherwise approved by the Ministry of Environment, Conservation and Parks;
- c) The development of new uses or new/enlarged buildings or structures within 500 metres from the fill area of the former waste disposal site may be permitted, provided an assessment prepared by a qualified professional in accordance with provincial guidelines is completed to determine:
 - i. whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the former waste disposal site; and,
 - ii. the impact of leachate migration from the landfill site on the proposed use.
- d) Notwithstanding policy 10.14(c), no buildings or structures are permitted, and no land uses other than agriculture and/or buffer strip shall take place within 30 metres of the perimeter of a non-operating landfill site. Where the Ministry of the Environment, Conservation and Parks is satisfied that only gas controls are necessary, no buildings or structures and land uses other than agriculture and/or buffer strip shall take place within 20 metres of the perimeter of a non-operating landfill site; and,
- e) The implementing Zoning By-law shall restrict development of new uses on lands within the 500-metre assessment area of an operating or closed landfill site and may include the use of a holding symbol. Any amendment to permit the development of any new use within the assessment area shall not occur until the appropriate Council is satisfied that all studies required by the Municipality and County have been completed by a qualified consultant.

8.15 Contaminated or Potentially Contaminated Sites

Contaminated or potentially contaminated sites are composed of any site where future use is affected by real or perceived environmental contamination from a current or previous use of the site for commercial, industrial, or institutional use. These sites are often called 'brownfields' and are not mapped in this Plan. Development on sites that are, in the opinion of the County, Municipality or other authority, known or suspected to be a contaminated site, are subject to the following policies:

- a) Prior to permitting development on the site, the proponent shall complete the following to the satisfaction of the Municipality:
 - i. Environmental Site Assessment (ESA) in accordance with provincial guidelines; and,
 - ii. site restoration in accordance with a remedial plan, where the need for remediation is identified.
- b) Where an ESA has determined that contamination exists, no development shall be permitted until such time as the completion of any required decommissioning and/or remediation of the site, and a Record of Site Condition (RSC) has been prepared and filed by a qualified person confirming that site soil conditions meet provincial criteria for the proposed use. The site may need to be remediated in accordance with Provincial requirements.

8.16 Oil, Gas, and Salt Hazards & Former Natural Resource Extraction Operations

Development on, abutting, or adjacent to lands affected by an oil, gas, or salt hazard or a former natural resource extraction operation may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed. Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. The Municipality shall encourage, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.

8.17 Wildland Fire Hazards

Wildland fire hazards refers to areas assessed as being associated with the risk of high to extreme wildland fire by the Province. In the absence of comprehensive mapping, to determine if a site is subject to the risk of high to extreme wildland fire, a development proponent shall utilize Federal and Provincial digital mapping resources, prior to making an application for development, and provide that mapping as part of the application to the satisfaction of the Municipality. The following policies shall apply where Wildland Fire Hazards are identified:

- a) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of wildland fire hazards;
- b) Development may only be permitted where the risk is mitigated in accordance with wildland fire assessment and mitigation standards; and
- c) Applicants may be required to undertake a site review to assess, to the extent possible, the level of wildland fire hazard and associated risk on and in the vicinity of the subject lands and identify measures that need to be taken to mitigate the risk in accordance with standards.

8.18 Abandoned Petroleum Wells

Associated with the Municipality's petroleum reservoirs and past extraction operations, there are numerous abandoned petroleum wells located throughout the Municipality of Bayham. Schedules "B2", "B3" and Appendix "1" of this Plan identifies wells known to the Municipality. The following policies shall apply to abandoned petroleum wells, whether or not they are identified on Schedules "B2", "B3" and Appendix "1":

- a) As a condition of development, the Municipality will require that improperly plugged (abandoned) wells that are known or discovered during development will be properly plugged, capped, or otherwise made safe in accordance with provincial requirements;
- b) Building locations should be examined for the presence of possible well sites using established standards and procedures, and areas where wells are located should be avoided when siting buildings, unless it can be demonstrated that development can safely occur;
- c) Upon cessation of production, well sites and locations of associated works shall be rehabilitated to permit uses set out in the underlying 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; and,
- d) If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

9 GENERAL POLICIES

9.1 Economic Development

Economic development refers to the Municipality's efforts to attract and retain business and industry in the Municipality, provide high quality employment opportunities to residents, and expand the Municipality's tax assessment base. Ensuring a healthy regional economy also means protecting important facilities and corridors that are critical to business and industry.

9.1.1 *Tourism*

Tourism is a contributor to the Municipality's economy due in part to its proximity to Lake Erie and major population centres. As such, the growth of the tourism industry is a strategic priority for the Municipality and tourism uses shall generally be supported subject to the policies of this Plan.

9.1.2 *Supporting Placemaking Initiatives*

Placemaking is an approach to planning, design, and the management of public spaces that seeks to capitalize on a local community's physical assets and identity to create public spaces that encourages private sector investment, builds civic pride, and improves community well-being. Placemaking can include such initiatives as public art installations, development of programmed public spaces, and the improvement and beautification of infrastructure. The Municipality shall support placemaking initiatives with the aim of attracting visitors, stimulating local business, and creating a sense of civic pride within the Municipality of Bayham.

9.1.3 *Attracting the Creative Economy*

The creative economy is composed of knowledge-based economic activities and includes sectors such as advertising, architecture, design, culinary arts, visual and performing arts, media, publishing, research & development, software, and computer gaming. Creative industries are among the most dynamic sectors in the world economy and attract a highly talented labour force. The Municipality's proximity to major markets and economic centres has the potential to attract both businesses and talent who are seeking the lifestyle and quality of life advantages that Municipality's communities offer. To position the Municipality as a destination of choice for businesses and individuals in the creative economy the Municipality will:

- a) Protect and enhance the Municipality’s rural and urban character through the development process (see Subsections 3.2.4 and 4.2.1 for more information);
- b) Encourage the development of placemaking initiatives and events, festivals, and the promotion of the Municipality natural and cultural heritage;
- c) Encourage the creation of policies and regulations that seek to support and facilitate creative industries, business incubation, studio and workshop spaces, and the creation of creative hubs; and,
- d) Implement the County Economic Development Plan where it is in the best interests of the community to do so, as well as business recruitment and expansion measures

9.2 Housing

The Municipality of Bayham recognizes the importance of housing to the social and physical health and well-being of residents, as well as the economic success of Bayham. To that end, the Municipality of Bayham will seek to ensure an appropriate and adequate supply of housing for residents regardless of their socio-economic condition, health, age, or ability.

9.2.1 *Residential Land Supply*

The Municipality shall ensure there is an adequate supply of residentially-designated land in the Municipality to accommodate a minimum of 15 years of residential growth (including redevelopment and intensification opportunities, and ‘greenfield’ land). Further, the Municipality shall maintain, at all times, land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned and (where available) serviced.

9.2.2 *Requiring a Mix of Housing*

Providing for a range of housing typologies promotes affordability and ensures that the Municipality maintains options for households at all stages of their lifecycle. It is the intent of this Plan to encourage a mix and range of housing types, styles and tenures to meet the needs of a growing and diverse community through the following policies:

- a) In Settlement Areas where full municipal services are available, a range of housing typologies shall be provided;
- b) Where new residential development proposes single detached dwellings, they shall generally not comprise more than 70% of the dwelling mix. This requirement may be waived if:
 - i. the proposed development constitutes infilling or intensification;

- ii. the development is located on lands that are the subject of a secondary plan that identifies an alternative housing mix for the area; or,
 - iii. due to the scale of the development or servicing or engineering constraints, the provision of a mix of housing types is not feasible.
- c) Where the feasibility of incorporating a mix of housing types is in question, it shall be incumbent on the applicant to demonstrate that the provision of a mix of housing types is not feasible.

9.2.3 *Additional Residential Units*

Additional residential units are smaller apartments contained within a dwelling or accessory building on the same property and are referred to by various names including secondary suites, accessory apartments, or 'granny flats'. For specific policies pertaining to additional residential units in the Rural Area and Settlement Areas, refer to Subsections 3.2.10 and 4.2.6 of this Plan.

9.2.4 *Demolition or Conversion of Rental Housing*

Rental units are a key supply of housing in the Municipality and are an important to ensuring the Municipality has a diverse supply of housing to meet the needs of its citizens. As such, the Municipality strongly discourages their demolition or removal except where the demolition is required to address existing health and safety issues and will result in the reconstruction or replacement of the demolished units. In coordination with the County, the Municipality shall not permit the conversion of rental units to ownership tenure through a plan of condominium, except where:

- a) it has been determined through a market impact study that the rental unit(s) are not required to satisfy housing need in the Municipality; or,
- b) the conversion to ownership housing would result in the creation of affordable housing.

9.2.5 *Affordable Housing*

Affordable housing is defined by provincial policy and its provision ensures that low- and moderate-income households can access both appropriately priced rental units and homeownership in the Municipality. As such, it is policy of this Plan to assist the County of Elgin in their target of achieving a cumulative total of 55% of new residential units developed across the County as affordable under provincial policy through the implementation of the following policies:

- a) The provision of housing that is affordable and accessible to low- and moderate-income households shall be a priority of the Municipality;

- b) The Municipality shall consider innovative and alternative residential development standards that facilitate affordable housing in compact built form;
- c) Affordable housing shall be supplied in a variety of housing types (bachelor apartment units, one-bedroom apartment units, townhouses, single-detached, etc.), provide for a range of family sizes and be encouraged to be represented in all neighbourhoods within the Settlement Areas;
- d) Affordable housing shall be encouraged to locate near neighbourhood amenities, public service facilities, and other community facilities that facilitate a complete community;
- e) Developments containing affordable housing shall prioritize the construction and provision of such housing or units at the same sequence as market rent housing or units. If a development is subject to phasing, a percentage of the affordable housing to be provided shall be constructed in each phase of the development to the satisfaction of the Municipality;
- f) The Municipality may, through a development agreement or Zoning By-law Amendment, consider the provision of additional height permissions beyond those in the policies of this plan, provided to developments without the need for an amendment to this Plan for the provision of affordable housing units to the satisfaction of the Municipality;
- g) The Municipality may create and implement a range of planning and regulatory incentives that encourage affordable and community housing. Such incentives may include but are not limited to:
 - i. *Additional Residential Unit (ARU) policies;*
 - ii. *Collaborating with community partners to foster the provision of Affordable housing and community housing;*
 - iii. *Community Benefits Charges;*
 - iv. *Community Improvement Plans;*
 - v. *Deferring or waiving Development Fees and Charges;*
 - vi. *Height / density bonusing*
 - vii. *Municipal land contributions*
 - viii. *Municipal tax incentives or rebates*
 - ix. *Municipal grants or loans, and*
 - x. *Negotiating agreements with the public and private sectors to address the provision of affordable housing and/or community housing through the approval process.*

- h) Advise all applicants with residential development proposals of affordability price thresholds, and require all applications for plans of subdivision or condominium to demonstrate how their proposal works towards achieving the County's affordable housing target, and if the proposal does not include affordable housing, advising why it is not appropriate to incorporate it; and,
- i) Examine opportunities to fund affordable housing community improvement programming.

9.2.6 *Public Assets for Affordable Housing*

Prior to the disposal of surplus lands and facilities, the Municipality shall review:

- a) Whether the land or facility would be suitable for affordable housing development; and,
- b) Whether a public or private body engaged in the provision of affordable housing has an interest in the land or facility.

Further, the Municipality shall work with all levels of government, Indigenous communities and service providers, private sectors, and non-profit sectors to identify surplus government lands and/or buildings that may be suitable for affordable housing and community housing development, including brown-and grey-field sites outside employment areas to meet community needs.

9.2.7 *Emergency Housing and Transitional Housing*

Emergency housing offers short-term crisis support to those who are experiencing homelessness and includes homeless shelters and shelters for those escaping domestic violence and intimate partner violence. Transitional housing includes group homes and other forms of temporary housing that aims to bridge the gap from homelessness to permanent housing and is normally used as a form of supportive housing for treatment, and mental health.

The Municipality will support and establish, where appropriate, the facilities for providing Emergency Housing and Transitional Housing and will ensure that all municipal buildings and facilities meet or exceed the provincial accessibility standards and policies to ensure equitable access to them, especially during times of crisis. Emergency Housing and Transitional Housing in the Municipality shall be subject to the following policies:

- a) Emergency Housing and Transitional Housing will be permitted in settlement areas where lands are designated Hamlets, Residential, or Institutional in the Villages, and subject to the requirements of the implementing Zoning By-law and the policies of this Plan;
- b) In order to prevent an undue concentration of Emergency Housing and Transitional Housing in specific areas of the Municipality, standards requiring

a minimum distance between these facilities may be incorporated in the Zoning By-law;

- c) 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 Municipal approval;
- d) The establishment of Emergency Housing or Transitional Housing must be based on local need for the particular type of facility to serve the population of the Municipality and the immediate surrounding area. In determining the need and suitability of each type of Emergency Housing and Transitional Housing the size and general character of the Municipality together with the merits of each specific application must be given consideration;
- e) Emergency Housing and Transitional Housing shall have sufficient off-street parking to accommodate the vehicles of the staff or persons on duty in the home and visitors in accordance with the implementing Zoning By-law;
- f) Emergency Housing and Transitional Housing should be located near neighbourhood amenities, public service facilities, and other community facilities that facilitate a complete community; and,
- g) Emergency Housing and Transitional Housing is not permitted within the Rural Area of the Municipality.

9.2.8 *Community Housing*

Community housing (sometimes called social or subsidized housing), is housing that is offered at below market rates to occupants and includes purpose-built low-income housing developments, subsidized units in market-rate buildings, or market-rate apartments paid for in part by provincial rent supplements. The Municipality is supportive of efforts by community housing providers to develop more community housing across the Municipality's settlement areas and will use best efforts to expedite approvals for proposed community housing developments subject to the other policies of this Plan.

9.2.8.1 Location of Community Housing

When proposed, community housing should be:

- a) located in settlement areas with full municipal services and adequate urban amenities for residents;
- b) near existing or planned transit (if available), including and active transportation facilities; and
- c) near public service facilities.

9.2.9 *Coordination with Higher Levels of Government*

Coordination with provincial and federal governments and agencies, including the Canada Mortgage and Housing Corporation, will be undertaken to advocate for sustained provincial and federal funding that:

- a) promotes the development of residential intensification, brownfield redevelopment and affordable housing options, including community housing and purpose-built rental units; and
- b) supports energy efficiency and sustainable housing design for new and existing residential units.

9.3 **Cultural Heritage**

This Plan shall endeavour to identify, protect, conserve, and enhance the built heritage resources and cultural heritage landscapes, and archaeological resources in the Municipality, in a manner that respects the rich cultural heritage of the Municipality.

The Cultural Heritage resources of the Municipality of Bayham are composed of:

- a) Built heritage resources;
- b) Cultural heritage landscapes; and,
- c) Archaeological resources.

9.3.1 *General Policies*

- a) Council may establish a Municipal Heritage Committee (MHC) to advise on matters relating to the Ontario Heritage Act and other business relating to heritage conservation.
- b) Council shall encourage the designation and maintenance of properties and structures pursuant to Parts IV and V of the Ontario Heritage Act.
- c) Council shall require protected heritage resources to be conserved when development or site alteration has the potential to affect a protected heritage resource or is adjacent to a protected heritage resource, which shall be demonstrated through appropriate technical cultural heritage studies conducted by a qualified professional.
- d) Council shall support the use of cultural heritage resources as a means to promote economic development and tourism within the Municipality.
- e) Council shall notify the Province when any proposed development may impact a marked or unmarked cemetery in accordance with the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act.

9.3.2 ***Implementation***

- 9.3.2.1 Council shall implement the cultural heritage policies of this Plan through participation in provincial and federal programs related to cultural heritage conservation;
- 9.3.2.2 In addition to promoting co-operation with individual property owners in the preservation of cultural heritage resources, Council will have regard to the effects of public works on buildings, sites and areas of historical importance in the Municipality;
- 9.3.2.3 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; and,
- 9.3.2.4 Council may utilize any of the following planning tools when development or site alteration has the potential to affect a protected heritage resource, a resource with potential cultural heritage value or interest, or for development proposed adjacent to a protected heritage resource or a resource with potential cultural heritage value or interest:
- a) The Municipality of Bayham Cultural Master Plan;
 - b) Heritage Impact Assessments;
 - c) Conditions of consent and subdivision approval and consequent agreements;
 - d) Provisions related to site plan control; and,
 - e) Standards, definitions and regulations in the Municipalities Zoning By-law.

9.3.3 ***Archaeological Resources*****9.3.3.1** Development in Areas of Archaeological Potential

Development and site alteration will be permitted on lands containing archaeological resources or areas of archaeological potential only when the archaeological resources have been assessed, documented, and conserved. Archaeological assessments must be carried out by licenced archaeologists, prior to the permitting of development and any alterations to known archaeological sites will only be performed by licensed archaeologists.

9.3.3.2 Marine Archaeological Resources

If there is potential for the presence of partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft or other artifacts items of cultural heritage value or interest, a marine archaeological assessment shall be conducted by a licenced archaeologist pursuant to the *Ontario Heritage Act*.

9.3.3.3 Determining Areas of Archaeological Potential

Archeological site locations and areas of potential will be determined based on registered site data and potential screening criteria provided to the Municipality by the Province, or through technical assistance. In the absence of comprehensive mapping, to determine if a site is part of an area of archaeological potential, a development proponent shall conduct and submit an evaluation using the Province's Criteria for Evaluating Archaeological Potential and/or Criteria for Evaluating Marine Archaeological Potential for review and concurrence by the Municipality of Bayham prior to making application for development. Where one or more provincial criteria have been met the applicant shall be required to engage a licensed archaeologist to prepare an archaeological assessment prior to any ground disturbing activities.

9.3.3.4 Preparation of Archaeological Assessments

Where the Municipality has identified development applications that may impact archaeological resources or lands of archaeological potential, the Municipality will require an archaeological assessment be completed by a licensed archaeologist. Development and site alteration shall not proceed until the assessment or assessments have been entered into the Ontario Public Register of Archaeological Reports, and where these reports conclude that:

- a) the assessment of the area is complete; and,
- b) all archaeological sites identified by the assessment are either of no further cultural heritage value or interest, or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.

9.3.3.5 Cemeteries & Burial Sites

Where development has the potential to impact a known or suspected cemetery or burial site, the relevant approval authority shall require an archaeological assessment by a licenced archaeologist. Provisions under both the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* shall apply. Development shall be guided by this legislation and in accordance with any directives from the Province. The Indigenous community with the closest cultural affiliation shall be provided notification with regard to the identification of burial sites relating to the activities of their ancestors.

9.3.3.6 Public Works Projects

To support conservation of archaeological resources, the Municipality may review public works projects, regardless of whether they are subject to the Environmental Assessment Act, to determine impacts upon potential archaeological resources, conducting an archaeological assessment if the lands

are located within an area of archaeological potential, or where an archaeological site has been previously registered on the property.

9.3.4 *Indigenous Engagement and Interests*

The Municipality shall engage with Indigenous communities and consider their interests when identifying, protecting, and managing built heritage resources, cultural heritage landscapes and archaeological resources. To that end the Municipality shall work in partnership with Indigenous communities with the closest cultural affiliation and whose traditional territories are subject to development or site alteration to determine if there are areas of known or potential archaeological resources requiring completion of an archeological assessment and/or conservation plan. This may include the collaborative development of a terms-of-reference or similar that provide greater detail on the protection of archeological resources related to Indigenous communities.

Where a completed archaeological assessment identifies sites and archaeological resources of Indigenous interest, they shall be provided to the community of closest cultural affiliation to the site and/or resources, subject to any legislative requirements. To that end, the Municipality shall:

- a) direct proponents to the appropriate Indigenous community and facilitate communication with the relevant community;
- b) require proponents to engage with Indigenous communities at the earliest opportunity and consider their interests when identifying, protecting, and managing archaeological resources, built heritage resources and cultural heritage landscapes;
- c) require documentation that the proponent has provided a copy of any completed archaeological assessment report to those communities with the closest cultural affiliation to the identified archaeological resources and in whose traditional territories the archaeological resources were found; and,
- d) notify, in advance, of on-site archaeological assessment work completed as part of Municipality of Bayham public works projects, Indigenous communities with the closest cultural affiliation to the project area and/or archaeological resources and in whose traditional territories the archaeological resources were located.

9.4 Climate Change

The Municipality recognizes the potential impacts of climate change on the built and natural environment. Through the following policies, the Municipality and the residents of Bayham will aim to conserve energy, reduce greenhouse gas (GHG) emissions, adapt to environmental changes and encourage the development of renewable energy sources:

- a) Council may prepare and adopt a Municipal Energy Plan setting out targets to conserve energy and reduce overall energy consumption in the Municipality. Where new development or redevelopment is proposed, the Municipality will encourage the owners to use energy conservation measures in the orientation, design, construction and maintenance of the buildings or property;
- b) Council may prepare and adopt a Local Action Plan setting out targets to reduce GHG emissions in the Municipality. This Plan will provide direction for the development or redevelopment of land or buildings to reduce the amount of GHG emissions. It is a policy of this Plan to consider actions related to buildings, outdoor areas and public and private transportation to support the achievement of GHG emission reduction targets;
- c) Council will consider the increased risk associated with climate change related to intensity and volume of rainfall, increased intensity of weather events, fluctuation in temperature, and related weather changes when approving development applications or site alterations. Public works and infrastructure will be designed and built or rebuilt to adapt to the changing climate; and,
- d) Council will encourage energy production technologies and form as set out in Subsection 6.6 as an approach to reduce the GHG emissions in the Municipality.

10 SPECIFIC POLICY AREAS

The following areas are shown on the accompanying Schedules of this Plan as “Specific Policy Areas” and illustrated with a mapping symbol/number which corresponds to the applicable specific policy area as outlined in this section below. The policies will outline the geographic location and area to which the policies apply.

10.1 Specific Policy Area No. 1 – Elliott Road

Notwithstanding the “The Rural Area” policies of this Plan to the contrary, the lands comprising approximately 43 hectares in Part Lot 15, Concession 10 of the Municipality of Bayham and bounded by Green Line to the north, Provincial Highway 3 to the south, Elliott Road to the east and a wooded area to the west, and occupied by nineteen (19) existing non-farm residential dwellings may accommodate a total of twenty (20) non-farm dwellings in the area designated as “Specific Policy Area No. 1” on Schedule “B” of this Plan.

10.2 Specific Policy Area No. 2 – Port Burwell Harbour

In addition to the policies of Section 8, the lands within the “Hazard Lands” designation in Port Burwell which are generally situated south of Robinson Street, and east of the Big Otter Creek and extending into Lake Erie, are designated as “Specific Policy Area No. 2” on Schedule “B3” of this this Plan, and may be used to develop a marina and ancillary facilities. These lands will remain in a holding zone until such time as the conditions regarding development as outlined in Section 8 of this Plan can be accommodated to the satisfaction of the Municipality, in consultation with the Province and the Conservation Authority.

10.3 Specific Policy Area No. 3 – Chateau Wyndemere

The re-development of the former church retreat lands comprising 22.1 hectares of land located south of Nova Scotia Line in Part Lot 6, 7, 8, Concession 1, designated as “Specific Policy Area No. 3” on Schedule “B” of this Plan, will require an Official Plan and Zoning By-law Amendment prior to any development. The approval authority will identify the required studies, through pre-consultation, prior to any amendment to this Plan, which shall include, at a minimum, the following.

- a) Studies completed to the satisfaction of the Ministry of Environment, Conservation and Parks and the Municipality with respect to the proposed sewage and water services in accordance with Section 3 and 6.4 of this Plan;
- b) Completion of an Environmental Impact Study (EIS) in accordance with Section 5 of the Official Plan;

- c) Cultural and archaeological assessments to be completed to the satisfaction of the Ministry of Tourism, Culture and Sport as per Subsection 9.3 of this Plan;
- d) An agricultural impact assessment, to be completed to the satisfaction of the approval authority;
- e) Adequate and appropriate access to a public road;
- f) A development agreement entered into between the developer and the Municipality, which shall address, but is not limited to, vehicular access to the lands; and
- g) Pedestrian access to Port Burwell Provincial Park, from the subject property, to be reviewed by the Ministry of Natural Resources and Forestry.

10.4 Specific Policy Area No. 4 – New England

Notwithstanding the “The Rural Area” policies of this Plan to the contrary, the lands comprising Part Lot 24 & 25, Concession 9 of the Municipality of Bayham and designated as “Specific Policy Area No. 4” on Schedule “B” to this Plan may be used for the purposes of non-farm residential development on an infilling basis to a maximum of five (5) new lots. The exact boundary of “Specific Policy Area No. 4” will be outlined in the Zoning By-law. The proponent must demonstrate that MDS I has been satisfied.

10.5 Specific Policy Area No. 5 - 10729 Plank Road

In accordance with Subsection 3.10.2 of this Plan, the establishment of industrial land uses in the rural area outside of the “Strategic Employment Areas” designation, located at CON 8 PT LOT 20 RP 11R7041; PART 2 and municipally known as 10729 Plank Road (County Road 19) and designated as “Specific Policy Area No. 5” on Schedule “B” of this Plan, are permitted to use the lands for mechanical services business office and warehouse industrial use, subject to a Zoning By-law Amendment. The use shall be permitted specific to the subject lands in the implementing Zoning By-law prior to Site Plan Approval being obtained. The lands subject to this Amendment may also be used, developed, and zoned to permit the mechanical services office and warehouse use in addition to the permitted uses of the Estate Residential designation.

10.6 Specific Policy Area No. 6 – 53443 Heritage Line

Notwithstanding Subsection 3.3.9.1.c), the dwelling located in Pt. Lot 109, Concession 6, STR, and known municipally as 53443 Heritage Line, and existing as of March 2015, is designated as “Specific Policy Area No. 6” on Schedule “B” of this Plan, which may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

10.7 Specific Policy Area No. 7 – 54728 Best Line

Notwithstanding Subsection 3.3.1 and Subsection 3.3.9.1, the existing dwelling located in Part S½, Lot 9, Concession 10, and known municipally as 54728 Best Line, is designated as “Specific Policy Area No. 7” on Schedule “B” of this Plan, which may be severed as a surplus farm dwelling and zoned for residential use, whereas a new lot represents the second surplus farm dwelling severance from the original farm parcel known municipally as 54744 Best Line, and whereas new lots and new residential uses are not permitted in the “Agricultural Area” designation.

The lands subject to this Amendment and designated "Agricultural Area" may be used, developed and zoned in accordance with surplus farm dwelling policies of Subsection 3.3.9.1 of this Plan, as amended.

10.8 Specific Policy Area No. 8 – 55106 Vienna Line

Notwithstanding Subsection 3.3.9.1, the dwelling located in Concession 2, Part of Lots 10 and 11 and known municipally as 55106 Vienna Line, and existing as of May 2023, is designated as “Specific Policy Area No. 8” on Schedule “B” of this this Plan, which may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

10.9 Specific Policy Area No. 9 – 53291 Nova Scotia Line

Notwithstanding Subsection 3.3.9.1, the dwelling located in Concession 1, Part of Lot 3 and known municipally as 53291 Nova Scotia Line, and existing as of October 19, 2023, is designated as “Specific Policy Area No. 9” on Schedule “B” of this this Plan, which may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality

10.10 Specific Policy Area No. 10 – 4964 and 4968 Plank Road

Notwithstanding Subsection 3.3.12, the existing dwelling located in Concession 2, Part Lot 14, and municipally known as 4964 and 4968 Plank Road, is designated as “Specific Policy Area No. 10” on Schedule “B” of this this Plan, which may be used as a Large Scale Farm Labour Accommodation to house up to a maximum of twenty-nine (29) seasonal workers during the apple growing season being transported to and from leased farm parcels in the area, in the existing dwelling with gross floor area maximum of 305 m².

The subject lands subject to this Amendment as designated "Agricultural Area", may be used, developed, and zoned to permit a Large Scale Farm Labour Accommodation in accordance with Subsection 3.3.12 of this Plan, as amended.

10.11 Specific Policy Area No. 11 – 56237 Chute Line

Notwithstanding Subsection 3.3.12, the farm labour dwelling located in Concession 3, Lot 19 and 20, and municipally known as 56237 Chute Line, is designated as “Specific Policy Area No. 11” on Schedule “B” of this Plan, which may be used as a Large Scale Farm Labour Accommodation to house up to a maximum of twenty-four (24) seasonal workers during the apple growing season being transported to and from leased farm parcels in the area, in the a dwelling with gross floor area maximum of 322 m².

The subject lands subject to this Amendment as designated "Agricultural Area", may be used, developed, and zoned to permit a Large Scale Farm Labour Accommodation in accordance with Subsection 3.3.12 of this Plan, as amended.

10.12 Specific Policy Area No. 12 – 2 Robinson Street and 3 Erius Street

Notwithstanding Subsection 4.4.3, the townhouse condominium development on lands known historically as LT 6 & 7 E/S ROBINSON ST PL BAYHAM T/W E204755 & PT LT 7 W/S ERIEUS ST PL 12 BAYHAM PT 2 11R3556; BAYHAM or 2 Robinson Street and 3 Erius Street may have a net residential density of 48 units per hectare, (including a southern portion of 2 Robinson Street lands) with a total lot area maximum of 2,760 m².

The lands subject to this Amendment as designated “Specific Policy Area No. 12” on Schedule “B3” of this Plan may be used, developed, and zoned to permit a maximum 13-unit townhouse condominium development

10.13 Specific Policy Area No. 13 – 55032 Vienna Line

Notwithstanding Subsection 3.3.9.1, the dwelling located in Part Lot 10, Concession 3 and known municipally as 55032 Vienna Line, and existing as of February 2024, is designated as “Specific Policy Area No. 13” on Schedule “B” of this Plan, which may be severed as a surplus farm dwelling, where more than one dwelling and severance of a surplus farm dwelling had previously occurred on the farm parcel as a result of a farm consolidation.

10.14 Specific Policy Area No. 14 – 55942 Maple Grove Line

Notwithstanding Subsection 3.3.9.1, the dwelling located in Part Lot 19, Concession 8 and known municipally as 55942 Maple Grove Line, and existing as of August 2024, is designated as “Specific Policy Area No. 14” on Schedule “B” of this Plan, which may be severed as a surplus farm dwelling, where the existing single-detached dwelling has been built and occupied for less than a minimum of ten (10) years prior to the date of a consent application.

10.15 Specific Policy Area No. 15 – Tier I & II Settlement Areas

Prior to the approval of any development, the Municipality shall require the preparation and approval of a Servicing Study, which shall demonstrate available capacity of existing full or partial water and sanitary sewage systems in accordance with the policies of this Plan, and that the costs of any required upgrades or extensions of existing servicing shall be at the expense of the applicant.

11 IMPLEMENTATION

It is the intent of this Plan to serve as the basis for managing change in the Municipality of Bayham until 2054. Any amendment proposed to this Plan shall conform to the Plan's overall intent as set out in the objectives of this Plan. The Plan may be altered to correct errors in the text or Schedules/Appendices without an amendment, provided the alterations do not change the effect of the objectives and policies of the Plan.

11.1 Delegation of Authority

11.1.1 The Municipal 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.

11.1.2 The delegation of Council's authority pursuant to the *Planning Act*, may be assigned by resolution of Council 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 Municipality; the Municipal Clerk; the Municipal Building Inspector and/or By-law Enforcement Officer; a Committee of Adjustment; the Elgin County Land Division Committee; or any other eligible person or persons as permitted by the provisions of the *Planning Act*, and as Council deems appropriate.

11.2 Monitoring and Review of the Official Plan

The policies of the Plan are based on the goals and objectives of the Municipality within a regulatory environment that is subject to change over time. Therefore, Plan monitoring and review is required to identify trends in planning issues in the Municipality of Bayham, to analyze the effectiveness of the policies of the Plan, and to allow for adjustments and updating.

11.2.1 *Monitoring and Review*

11.2.1.1 The Municipality will review and update the policies of this Plan in accordance with the *Planning Act*. The purpose of monitoring is to evaluate the effectiveness and relevance of the Plan in meeting the Municipality's goals and objectives. The Municipality will cooperate with the County of Elgin in the maintenance of an information system to allow for the appropriate analysis of the changes in the social, economic, environmental, and technological conditions in the Municipality of Bayham.

11.2.1.2 Council shall determine the need to revise the Official Plan in whole or in part in consultation with prescribed public bodies and hold a special meeting of Council

that is open to the public, at intervals of not more than every five (5) years. In considering the need for revisions, the Municipality shall also consider Section 26 of the *Planning Act* which requires that the Official Plan:

- a) is consistent with the Provincial Planning Statement;
- b) has regard to the matters of provincial interest listed in the *Planning Act*; and,
- c) conforms with the County of Elgin Official Plan.

11.2.2 *Technical Revisions and Amendments*

Technical revisions to this Plan will not require an Official Plan Amendment provided they do not change the purpose and intent of the Plan. Technical revisions include:

- a) Changing the numbering, cross-referencing and arrangement of the text, tables, and Schedules;
- b) Altering punctuation or language for consistency;
- c) Correcting grammatical, dimensional and boundary, mathematical or typographical errors that do not affect the intent or policies or Schedules;
- d) Adding technical information to Schedules;
- e) Changing format or presentation;
- f) Unless otherwise stated in the policies of this Plan, when the general intent of this Plan is maintained, minor adjustments to boundaries will be updated by way of consolidation reporting;
- g) Minor refinements to the boundaries of Natural Heritage System, hazardous lands or hazardous sites in accordance with the policies of this Plan and any agency having jurisdiction;
- h) Consolidating approved Official Plan Amendments in a new document without altering any approved policies or Schedules.

11.2.3 *Amendments to the Official Plan*

An amendment to this Plan is required to permit a change in land use; allow for uses not permitted and/or in accordance with the policies of this Plan; and to change Settlement Area boundaries in accordance with the policies of this Plan and the *Planning Act*. Amendments to this Plan shall be evaluated based on the following general criteria:

- a) Compliance with the requirements of the *Planning Act* and any other applicable piece of legislation;
- b) Demonstrated consistency with the Provincial Planning Statement, as amended;

- c) Demonstrated conformity with the policies and land use designations of the County Official Plan;
- d) Demonstrated conformity with the overall intent of the strategic direction, objectives, and the policies in each Section of this Plan; and how it conforms to any other applicable Municipal by-laws, plans, and guidelines;
- e) The need for the proposed use including justification for the amount of land proposed for a change in designation based on existing undeveloped lands available in alternative locations in the Municipality designated for the proposed use;
- f) The cumulative impact of approving similar development applications, subject to any restriction of such consideration in provincial policies or this Plan;
- g) The adequacy of infrastructure and community facilities to support the proposed use in accordance with the policies of this Plan;
- h) The potential effect of the proposed use on the financial sustainability of the Municipality;
- i) The impact of the proposed use on the Municipality's ability to achieve the density targets as expressed in this Plan;
- j) The ability of the application to address and satisfy the comments and input received by commenting agencies and bodies;
- k) Demonstration that input from the public has been reviewed and considered;
- l) Demonstration that the plan or amendment is in the public interest; and,
- m) Any other criteria determined to be relevant and applicable by the Municipality in consultation with Indigenous communities and any agency having jurisdiction.

11.3 Consultation and Participation

11.3.1 *Public Participation & Consultation*

It is a policy of this Plan that public participation should be an integral component of any planning process. On this basis, before making any planning decision, Council shall be satisfied that:

- a) adequate public notice has been given in accordance with the *Planning Act*;
- b) enough information to enable the public to reasonably understand the nature of the proposal and its impacts is available prior to any public meeting;
- c) all public and agency comments have been reviewed and analyzed; and,

- d) their decision will appropriately balance the overall public interest against the private interests expressed in the application.

Proponents shall be encouraged to pre-consult with neighbouring landowners and residents to obtain their views before a formal application is submitted.

11.3.2 *Indigenous Consultation*

The Municipality will explore opportunities for collaboration on common objectives and build relationships with Indigenous communities to advance reconciliation and other joint interests. To that end, the Municipality will:

- a) create, in collaboration area Indigenous communities and the County, an engagement protocol to be applied when engaging and coordinating with Indigenous communities on planning matters;
- b) have regard for the consultation protocols of Indigenous communities that have traditional territory in the Municipality when engaging on planning matters or public works projects; and,
- c) engage with Indigenous communities and consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources, planning for sustainability and climate change, and the Natural System.

11.4 Interpretation

This Plan is the Municipality of Bayham's statement of land use policy. As a statement of policy, some general flexibility in interpretation may be required from time-to-time to address site-specific or unforeseen circumstances. Where flexibility is warranted, it may be considered at the sole discretion of Municipal Council provided that the intent of the policies and objectives of this Plan are maintained.

11.4.1 *Defined Terms*

Where a word or term in is not defined or described in the body of this Plan, the reader shall refer to the *Planning Act*, Provincial Planning Statement, or the appropriate County or provincial implementation guideline for its definition. Where there is no definition found, the common definition of the word or term shall be used.

11.4.2 *Land Use Designations*

The boundaries between land uses designated on the Schedules to this Plan are considered approximate except where they meet with roads, railway lines, rivers, transmission lines, lot lines or another clearly defined physical feature. Where the land use designations coincide with such physical features as roads, rivers and other defined geographical features, the boundaries will be deemed to be

the centre line of that feature. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan

11.4.3 ***Settlement Area Boundaries***

The boundaries of all Settlement Areas on the Schedules of this Plan are deemed to be definitive.

11.4.4 ***Expanding Servicing to Tier II & III Settlement Areas***

Where full or partial municipal services are established in, or expanded to, a Tier II or III Settlement Area the following shall apply:

- a) Where full services are provided to a Tier II Settlement Area, the subject settlement area shall be interpreted as being a Tier I Settlement Area for the purposes of this Plan; and,
- b) Where full or partial services are provided to a Tier III Settlement Area, the subject settlement area shall be interpreted as being a Tier I or II Settlement Area, as the case may be, for the purposes of this Plan.

In such cases, no amendment to this Plan shall be required and the Municipality shall update Schedule “A” and any impacted sections of this Plan through a housekeeping exercise either independently, or as part of a statutory update to this Plan. Until such time as this Plan has been updated, the revised status of the formerly Tier II or Tier III Settlement Area(s) shall be deemed to conform to this Plan.

11.4.5 ***Natural System Boundaries***

It is recognized that the boundaries of the Natural System, are approximate or may not reflect the current boundary of the system or feature due to the dynamic nature of the system or feature. Changes to the limit or the significance classification of individual components of the Natural System may be considered through the findings of a sub-watershed study or environmental impact statement completed to the satisfaction of the Municipality. If a change to the limit or classification of a component of the Natural System has been demonstrated to be appropriate the revised limit or classification shall prevail, and no amendment to this Plan shall be required.

11.4.6 ***Hazardous Sites and Lands***

Like the Natural System, the limits of hazardous sites and lands are approximate or may not reflect the current boundary of the site or lands due to the dynamic nature of these hazards. Where the boundaries of areas designated as “Hazard Lands” are in doubt, the Municipal Council or its delegate shall consult with the

Conservation Authority having jurisdiction and/or the Ontario Ministry of Natural Resources and Forestry to determine whether the Hazard Lands policies apply

11.4.7 *Features Not Mapped*

In some cases, some features noted in this Plan may not be mapped due to lack of complete data, such as natural system features, aggregate resource areas, and contaminated / potentially contaminated sites. Additionally, a feature may not be mapped due to sensitivity of a feature such as the habitat of threatened or endangered species. The policies of this Plan apply to the relevant features regardless of whether they are mapped on the schedules of this Plan and no official plan amendment shall be required to identify these features.

11.4.8 *Road Locations*

The location of the roads as illustrated on the schedules of this Plan shall be considered as approximate. Amendments to this Plan will not be required to make minor adjustments or deviations to the locations of roads provided that the general intent of the Plan is maintained.

11.5 Pre-Consultation and Complete Application Requirements

11.5.1 *Pre-Consultation Application*

While mandatory pre-consultation with Municipal Staff is not a requirement of the *Planning Act* for development applications, the Municipality strongly encourages that proponents consult with the approval authority and relevant agencies prior to submitting a formal application in order to determine what studies, plans, and materials are required to support a complete application, as set out in Section 11.5.2 of this Plan and in accordance with the *Planning Act*.

11.5.2 *Complete Applications*

11.5.2.1 Council and/or its delegate shall not declare any application made under the *Planning Act* to be a “complete application” until Council is provided with information, studies or drawings specified in the *Planning Act* or this Plan that are deemed necessary to inform the public and decide on the application. Supporting studies which may be required are listed in Section 11.5.3 of this Plan. Until an application is submitted that addresses pre-consultation and complete application requirements as specified by this Plan and the *Planning Act*, Council and/or its delegate shall deem such applications to be incomplete and shall be returned to the applicant.

11.5.2.2 The following supporting information, at a minimum, shall be required as part of a complete application submission:

- a) Prescribed application fee;

- b) Completed application form together with requisite authorizations, and cost acknowledgement agreement if necessary;
- c) Prescribed information and material as required by *Planning Act* regulations;
- d) Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) Concept plans and/or drawings;
- f) Identification of the new parcels that are to be created as part of a consent application;
- g) Copy of the property deed;
- h) Any other studies, reports, and/or plans as identified as necessary from the list in Subsection 11.5.2.3 as may be determined through pre-consultation; and,
- i) A copy of the PIN from the Ontario Land Registry for the subject lands.

The determination of a “Complete” Application does not infer support of the application by the Municipality or that an application will be approved by Council. A Notice of a Complete Application issued to the applicant simply recognizes that the required information has been provided by the applicant.

11.5.2.3 The following supporting information may be required as part of a complete application, as may be determined through pre-consultation:

- a) Aggregate Resource Assessment;
- b) Aggregate Impact Assessment;
- c) Agricultural Impact Assessment;
- d) Archaeological Assessment;
- e) Concept or Demonstration Plan;
- f) Cumulative Groundwater Impact Assessment;
- g) Draft Plan of Subdivision or Condominium;
- h) Energy & Emissions Strategy;
- i) Environmental Impact Study;
- j) Environmental Site Assessment;
- k) Financial Impact Assessment;
- l) Functional Servicing Report;
- m) Geotechnical Assessment;
- n) Heritage Impact Assessment;

- o) Heritage Conservation Plan;
- p) Hydrogeological Assessment;
- q) Land Use Compatibility Assessment;
- r) Market Impact Study;
- s) Market Justification Study;
- t) Master Servicing Study;
- u) Noise & Vibration Study;
- v) Odour Assessment;
- w) Planning Rationale or Justification Report;
- x) Parking Assessment;
- y) Reference Plan or Real Property Survey;
- z) Rehabilitation Plan (natural resource extraction);
- aa) Servicing Options Study;
- bb) Species at Risk Assessment;
- cc) Stormwater Management Plan;
- dd) Sub Watershed Study;
- ee) Sun & Shadow Study;
- ff) Sustainability Strategy;
- gg) Topographic Survey;
- hh) Traffic Impact Assessment;
- ii) Urban Boundary Review Study; and,
- jj) Urban Design Brief.

Additional information not identified in the list above may be required at the discretion of the Municipality and any other agency having jurisdiction.

11.5.3 *Supporting Studies*

The following policies apply to supporting studies, information and materials submitted as part of development applications:

- a) Certain supporting studies, information and materials will be required as part of a development approval process or as part of a detailed planning study as identified throughout this Plan. The need, timing and scope of such supporting studies, information and materials will be determined by the Municipality, in consultation with external agencies and the Conservation

Authority having jurisdiction, on a site-specific basis in consideration of the site's land use context and regard to the policies of this Plan;

- b) When the pre-consultation process for a proposed development approval application identifies the need for one or more support studies, the application will not be considered complete for processing purposes until the required supporting studies, information and materials are prepared and submitted to the satisfaction of the Municipality and the Conservation Authority having jurisdiction. Notification of a Complete Application will be given to the applicant and all other parties by the Municipality in accordance with the *Planning Act*;
- c) Applicants seeking development approval will be advised of the required supporting studies, information and materials as part of the pre-application consultation process or, if subsequently deemed necessary, prior to scheduling a prescribed public meeting;
- d) Supporting studies may vary in scope, depending upon the size, nature and intent of the development approval application and the site's land use planning context. Applicants of development approval applications will be advised by the Municipality of the required supporting study contents during the pre-consultation process;
- e) The Municipality will ensure that supporting studies, information and materials provided by an applicant of a development approval application that has submitted a complete application for development approval will be made available to the public for review;
- f) Where a supporting study or report is required, it shall be prepared by a qualified professional in the relevant field and shall have regard to all federal and Provincial legislation, policies and guidelines and best management practices within the field. Where a supporting study is required, it shall be at the full cost of the applicant; and,
- g) In some cases, Council and/or Municipal Staff may require a supporting study required under the provisions of this Plan to be peer reviewed. Peer review is a process used to evaluate the work performed by one's peers to ensure it meets specific criteria. The requirement for a peer review should be identified during the pre-consultation process or following the formal application submission and first review of supporting studies. The need for a peer review should be based on; The complexity of the application; the nature of the impacts that may result from an application; and/or, where there is no in-house expertise to review the technical report.

The purpose of the peer review process is to:

- Confirm that it has been prepared by a qualified professional;

- Ensure that accepted technical guidelines, standards, methodologies, or procedures have been followed;
- Check that appropriate data was utilized or if other data could have been used and if the information was properly analyzed;
- Check that relevant existing comprehensive studies for the area have been utilized or cross referenced; and,
- Determine if the technical conclusions are reasonable and if appropriate recommendations are included or are necessary.

The peer review process can involve review of the entire study or be limited to specific sections of a report. The Municipality reserve the right to choose the extent to which a study is scrutinized. Where Council and/or Municipal staff has required that a peer review be completed, the proponent of the planning application will pay for the costs of the peer review studies, including the costs of reviewing the Terms of Reference.

The approval authority may require additional information at any time prior to a decision.

11.6 Planning Administration and Tools

11.6.1 *Comprehensive Zoning By-Law and Amendments*

11.6.1.1 Under the Authority of Section 34 of the *Planning Act*, a Comprehensive Zoning By-law may be used to implement the policies of this Plan. The Municipality of Bayham’s Comprehensive Zoning By-Law shall be updated to ensure implementation of this Plan or other applicable plans or studies.

11.6.1.2 Approval of a Zoning By-Law Amendment is required where development or a use is proposed that does not meet the permitted uses and regulations in the Zoning By-Law.

11.6.1.3 In accordance with the *Planning Act* and upon approval of enabling regulations, the Municipality may impose conditions on zoning and may require an agreement related to the conditions which may be registered on the title of the property.

11.6.2 *Non-Conforming Uses*

11.6.2.1 It is the intention and expectation of the Municipality that legal non-conforming use(s), buildings, shall eventually cease to exist and be replaced by uses that conform with this Plan.

11.6.2.2 Notwithstanding any policies in this Plan to the contrary, any lands used for legally existing purposes in any designation for which no provision is made by this Plan for such activity to be permitted, the lands may continue to be used for such

purpose and shall be recognized as a legal non-conforming use(s). If such legal non-conforming use(s) cease to exist or are interrupted by an otherwise legal land use(s), then the legal non-conforming status shall lapse, and rights derived from such use(s) shall terminate.

- 11.6.2.3 Council, or its delegate, may pass by-laws or otherwise facilitate the extension and/or enlargement of such use(s) within the confines of the lands on which the activity is located without an amendment to this Plan provided that the applicant has demonstrated:
- a) The use would not pose public health or safety risks or negative impacts on groundwater and surface water quality and quantity, and is not located within or adjacent to hazardous lands, hazardous sites, or human-made hazards;
 - b) The use is compatible with and would not result in adverse effects on a sensitive land use or the establishment or expansion of major facilities;
 - c) The use can accommodate parking with no negative traffic impacts; and
 - d) There is a demonstrated need for the use and adequate screening and buffering can be accommodated.

11.6.3 *Holding Provision By-laws*

- 11.6.3.1 Holding provisions, in accordance with Section 36 of the *Planning Act*, may be applied in conjunction with any land use designation and are applied through the implementing Zoning By-Law to specify the use to which lands, buildings, or structures may be put at such time as the holding (h) symbol is removed. A holding provision may be applied where the Municipality has determined the suitable and specific land use for an area or parcel of land, but has determined that development of the lands for the intended use is premature until certain requirements and/or conditions are fulfilled.
- 11.6.3.2 Holding (h) symbols may be utilized for any lands within the Municipality of Bayham, whether developed or undeveloped.
- 11.6.3.3 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.
- 11.6.3.4 Such requirements and conditions applied through the holding provisions may include, but are not limited to:
- a) Provision of adequate water, wastewater, and other services as required to support the proposed development;
 - b) Appropriate phasing of the development;
 - c) Completion of conditions, studies or requirements related to traffic, infrastructure, drainage, agriculture, environmental issues, the natural

heritage system, conservation of cultural heritage resources, urban design, and/or archeology; and,

d) Entering into a development agreement with the Municipality of Bayham.

11.6.3.5 The removal of a holding provision will occur by By-Law where Council, or its delegate, is satisfied that all conditions or requirements have been satisfied and that development will occur in accordance with the objectives of the Plan and any applicable agreements. Notice shall be given in accordance with the requirements of the *Planning Act* and the polices of this Plan.

11.6.3.6 When lot creation occurs through the consent procedures of this Plan, the holding provision may be removed when the applicant has satisfied all the conditions of the approval, including any requirements to enter into development agreements.

11.6.3.7 Until such time as the holding symbol is removed, the by-law may permit or limit interim uses. The interim uses may include existing uses and minor expansions of the uses where they will not jeopardize the ultimate intended use and development of the lands.

11.6.3.8 Additional regulations apply to the lands during the period in which the holding provision is in place may also be set out in the implementing By-Law.

11.6.4 *Interim Control By-laws*

The Municipality may pass Interim Control By-Laws, in accordance with Section 38 of the *Planning Act*, to place immediate restrictions on the use of certain lands or on certain land uses where the Municipality has directed that a study or studies related to land use planning be undertaken. An Interim Control By-Law may be passed for a period of up to one year and extended provided the by-law does not go beyond two years of its original date of passage.

11.6.5 *Temporary Use By-laws*

11.6.5.1 The Municipality may pass Temporary Use By-laws, in accordance with Section 38 of the *Planning Act*, to authorize the temporary use of land, buildings, or structures for a period of time not exceeding three (3) years from the date of the passing of the Temporary Use By-law. Council may grant further periods of time, not more than three years each, during which the temporary use may be allowed. Temporary Use By-laws may be passed for:

a) Purposes that are otherwise prohibited by this Plan or the implementing Zoning By-Law.

b) Council, or its delegate, to assess a use which is unfamiliar to determine whether the use should be considered as a conforming use by site-specific amendment to this Plan or implementing Zoning By-Law upon the expiry of

the temporary authorization or whether the use should be extended or discontinued.

- c) Pilot projects and tracking of uses that may be of interest to the Municipality but require further studies and information prior to permanent permissions being enacted.
- d) The temporary use of vacant land for a purpose which is not otherwise permitted by this Plan, pending the future development of the land.
- e) A mobile home for temporary residential accommodation pending the completion of a permanent dwelling.
- f) A mobile home or travel trailer to be used as a site office, or for accommodation for a caretaker or watchman during a large construction project.

11.6.5.2 Temporary use by-laws may be passed provided the applicant has demonstrated that the following requirements have been met:

- a) The proposed use shall be temporary and shall not entail major construction or investment, such that the owner shall not experience undue hardship in reverting to the permitted uses upon the termination of temporary use by-law;
- b) The proposed use is compatible with the surrounding land uses;
- c) The proposed use can be adequately serviced,
- d) The proposed use shall not have adverse effects, shall not cause a public health and safety risk, is not within or adjacent to a human-made or natural hazard, and is in accordance with the Natural System policies; and
- e) The proposed use shall not adversely affect traffic or on-site parking

11.6.5.3 An applicant may be required to enter into an agreement with the Municipality and post securities, if necessary, to ensure that structures associated with a temporary use provision are removed upon expiry of the By-Law.

11.6.5.4 Approval of a Temporary Use By-law shall not be construed to permit the continued use of the land, buildings, or structures for the purposes as set out within the Temporary Use By-law beyond the time period(s) authorized by the by-law as such uses are not legal non-conforming uses in accordance with the *Planning Act*.

11.6.5.5 Council may delegate its authority to administer these procedures to an appointed Committee, officer, or employee identified by by-law.

11.6.6 Plans of Subdivision, Plans of Condominium and Part Lot Control

- 11.6.6.1 The division or creation of lots through the plan of subdivision process are governed by Section 51 of the *Planning Act*. In accordance with the provisions of Section 51(9) of the *Planning Act*, the County of Elgin is the approval authority for plans of subdivision, plans of condominium, and part lot control for lands within the County. Council or its delegate shall provide comments to the County on applications made under Section 51 of the *Planning Act*.
- 11.6.6.2 Lot creation by plan of subdivision is generally required if:
- a) the extension of existing infrastructure (i.e. servicing or roads) or the development of new infrastructure is required;
 - b) the area that is proposed to be developed is not considered to be infilling;
 - c) more than five lots including the retained lands are being created; and/or
 - d) the owner is retaining sufficient lands for the development of additional lots in accordance with the land use designation in this Plan.
- 11.6.6.3 In addition to those criteria contained in Section 51(24) of the *Planning Act*, Council will evaluate applications for plans of subdivision based on criteria that includes, but is not limited to, the following:
- a) The plan of subdivision is consistent with the objectives and conforms to the policies of this Plan;
 - b) The plan of subdivision can be adequately serviced with and makes suitable provision for services including, but not limited to, public streets, water, storm sewers, waste collection and disposal, public utilities, fire and police protection, parks, schools, and other community facilities;
 - c) The plan of subdivision will be compatible with surrounding land uses and, where possible, is designed to reduce any existing negative impacts on surrounding land uses, the transportation network, or significant natural features, subject to other policies of this Plan; and,
 - d) The plan of subdivision is designed to integrate with adjacent lands having compatible uses.
- 11.6.6.4 The policies of this Plan and the requirements of the Municipality of Bayham regarding plans of subdivision will be implemented primarily through a subdivider's agreement between the Municipality and the subdivider, and through the application of the Zoning By-law.
- 11.6.6.5 The part lot control provisions of the *Planning Act* have the effect of preventing the division of land in a registered plan, other than that allowed for in the approved plan of subdivision (without further approvals). Council or its delegate

shall provide comments to the County where an application is made for the following types of applications for exemptions from part lot control:

- a) the creation of lots for dwellings with common walls (e.g. semi-detached, rowhouses, etc.) within an approved plan of subdivision;
- b) minor lot realignments within a plan of subdivision;
- c) technical severances, such as additions to lots, easements, or land dedications within a plan of subdivision; and,
- d) the creation of lots within blocks in a plan of subdivision that were clearly indicated and intended to be further subdivided at the time the application was considered by Council.

In addition, Council may consider the creation of additional lots in a plan of subdivision through an application for exemption from part lot control due to changes in market conditions provided Council is satisfied the resulting changes will not affect the nature or character of the proposed subdivision and the changes do not require further technical review of the plan of subdivision.

11.6.7 **Consents**

11.6.7.1 The granting of consents to sever and convey land in the Municipality of Bayham shall continue to be the responsibility of the Elgin County Land Division Committee, in accordance with Section 53 of the *Planning Act*. Council, or its delegate, shall provide comments to the Elgin County Land Division Committee on all applications for consent to sever and convey land in the Municipality of Bayham.

11.6.7.2 The following general policies shall apply to consents:

- a) 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 or Plan of Condominium 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.
- b) The policies of this Plan and the requirements of the Municipality regarding consents may be implemented through a site plan agreement between the Municipality and the applicant pursuant to the *Planning Act*.
- c) 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 a separate lot is created.

- d) 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.
- e) 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 severance does not result in the creation of a new lot, the severed and retained parcels comply with the other requirements of this Plan, the Zoning By-law, and where applicable, the consent decision shall stipulate that Subsection 3 of Section 50 of the *Planning Act*, be applied to any subsequent conveyance of the severed parcel.
- f) In the event a consent is granted which does not conform to the policies of this Plan, the Municipal Council may appeal the decision to the Ontario Land Tribunal.
- g) Consents abutting or adjacent to a Provincial Highway must meet the policies and guidelines of the Province of Ontario for access and are subject to permit approval.
- h) In accordance with the *Planning Act*, conditions of approval may be applied to provisional approval of a severance and shall be fulfilled within the mandated time frame as set out in the *Planning Act*. The Municipality may require as a condition of approval, that the applicant enter into a development agreement including the posting of securities with the Municipality regarding such matters as deemed appropriate which may include, but not be limited to: financial requirements; the provision of infrastructure; a Site Plan for development; access, grading, drainage, servicing and stormwater management; architectural design; conservation of cultural heritage landscapes and resources, and archaeological resources; completion and implementation of an environmental implementation plan or tree inventory, protection and compensation plan; sustainable building and site design features; measures to protect health and safety; and any other measures as deemed appropriate to enhance compatibility with the surround community character.

11.6.8 *Minor Variances*

Under the Authority of Section 45 of the *Planning Act*, Council, or its delegate, may grant Minor Variances from the provisions of any implementing by-law of this Plan where it is of the opinion of Council, or its delegate, that the change does not require a full amendment to the by-law, is minor in nature, maintains

the general intent and purpose of the Zoning By-Law, maintains the general intent and purpose of this Plan, and conforms with any prescribed criteria.

11.6.9 *Site Plan Control*

11.6.9.1 Council will control the provision of certain site-related facilities and features associated with all development through the mechanism of the Site Plan Control By-law as provided for in the *Planning Act*.

11.6.9.2 The whole of the Municipality of Bayham is designated as a site plan control area. The Municipality may, by by-law, exempt one or more land uses from Site Plan Control.

11.6.9.3 Site Plan Approval will be required prior to the issuance of building permits for all development located in the Site Plan Control Area and not exempt from Site Plan Control as set out in the Site Plan Control By-law.

11.6.9.4 In accordance with the *Planning Act* and the policies of this Plan, the Municipality may require applicants to submit such plans and drawings permitted by the *Planning Act* as part of a complete application for Site Plan Control.

11.6.9.5 The Municipality may impose conditions in accordance with and outlined in Section 41 of the *Planning Act*.

11.6.9.6 Widening of highways shall be required as a condition of site plan approval for all development within the Site Plan Control Area abutting those roads described as “Designated Road Allowances” in Section 6 of this Plan.

11.6.9.7 The Municipality may enter into such agreements as may be necessary to secure appropriate conditions of Site Plan approval pursuant to the provisions of the *Planning Act*.

11.6.9.8 When considering applications for site plan approval, the Municipality will cooperate with the County, to ensure that the County has been given sufficient opportunity to require the owner of the land to dedicate the land for road widening purposes on roads that fall within the jurisdiction of the County and to require road access permits and agreements, as may be required by the County, under the provisions of the *Planning Act*.

11.6.10 *Secondary Plans*

Secondary Plans may be prepared for any of the Tier I & II Settlement Areas to plan for orderly growth and development and/or provide greater detail and localized land use policies. The following policies apply to the preparation of Secondary Plans:

- a) Where a Secondary Plan is deemed to be required, Council shall first, by resolution, establish a Secondary Plan Area for the purposes of initiating a Secondary Plan study;

- b) Where a Secondary Plan has been requested by the Municipality in support of privately initiated development application(s), the costs of preparing the Secondary Plan will be borne by the affected landowners.
- c) The preparation of a Secondary Plan will consider existing land uses within the Secondary Plan Area and may establish the location of key community services and amenities including schools, parks and open space and related uses.
- d) Secondary Plans will be adopted as amendments to this Plan and read in conjunction with this Plan in its entirety and shall conform to the Goals, Objectives, and Policies of this Plan. Any specific policy guidance resulting from the preparation of a Secondary Plan will be consolidated into this Plan and the relevant schedules to this Plan will be amended or new schedules may be added.
- e) A Secondary Plan may be undertaken simultaneously with an undertaking under the Environmental Assessment Act to satisfy the Environmental Assessment requirements in a comprehensive and integrated process.
- f) It is not the intent of this Plan to duplicate any requirements with respect to an undertaking under the Canadian and/or Ontario Environmental Assessment Act, including Environmental Screening, Environmental Review and/or Individual Environmental Assessment requirements and Certificates of Approval

11.6.11 *Community Improvement Plans*

Community Improvement provisions of the *Planning Act* give municipalities a range of tools to proactively stimulate community improvement, rehabilitation and revitalization. In designated Community Improvement Project Areas, the preparation of Community Improvement Plans will provide the Municipality with various powers to maintain and promote attractive and safe living and working environments through community improvement. This includes the authority to offer incentives to stimulate or leverage private and/or public-sector investment. The following policies shall apply:

- a) Council may designate by By-law “Community Improvement Project Areas”, the boundaries of which may be the entire Municipality or part of the Municipality of Bayham. These areas will be eligible for “Community Improvement”, as defined in the *Planning Act*.
- b) Council may acquire, hold and prepare land for the purposes of community improvement, or to facilitate private investment, within designated Community Improvement Project Areas where appropriate;

- c) Community Improvement Plans may contain incentive-based programs, which may include grants, loans, property tax assistance, or other methods deemed appropriate by the Municipality;
- d) Through Community Improvement Plans, the Municipality may support the planning or re-planning, design or redesign, re-subdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, built heritage preservation, improvement of energy efficiency or mitigation of greenhouse gas emissions, and provision of affordable housing within a Community Improvement Project Area.
- e) Within a Community Improvement Project Area, the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable, or other uses, buildings, structures, works, improvements, or facilities, and/or spaces, as may be appropriate or necessary to achieve the improvement envisioned by the Municipality shall be encouraged.
- f) The relative need for community improvements will be considered in the preparation of annual municipal capital expenditure budgets;
- g) The Municipality 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 Area;
- h) 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;
- i) Council will support proposals for infill development within the Community Improvement Area when it has been demonstrated that such infill development will not cause or contribute to land use conflicts;
- j) The Council will consider delegations and proposals from organized community groups who itemize deficiencies and needs in local leisure resources and facilities;
- k) Specific Community Improvement Projects will depend on the availability of Federal and Provincial grant and/or loan programs, Municipal resources, and on the relative need for physical improvements in specific areas.

11.6.12 *Block Plans*

- 11.6.12.1 At the discretion of the Municipality, growth and development on large tracts of land, in designated greenfield areas, and/or outside of the Built Boundary or Built-Up Area within Settlement Areas may require a comprehensive Block Plan to be submitted, and prepared by the proponent at their expense in accordance

with the policies of this Plan, criteria of this section, and to the satisfaction of the Municipality prior to the acceptance of a complete application and approval of a development application. Prior to the preparation of a Block Plan, a Terms of Reference shall be prepared by the proponent(s) of the development and reviewed by the Municipality, which establishes specific details of the Block Plan Process.

11.6.12.2 It is the intent of this Plan to use Block Plans as non-statutory documents that form the basis of the comprehensive planning, vision, design, and approvals of development for an area of land. This section has been created to standardize and provide a general overview of the Municipality's expectations for Block Plan submissions to allow for efficient preparation, review, and processing of applications. All other policies of this Plan shall be referenced to provide detailed context on complete communities framework and design.

11.6.12.3 Criteria for the preparation of Block Plans is as follows:

- a) To encourage comprehensive planning, a Block Plan may:
 - i. Identify the proposed land uses and density distribution, ensuring that the density targets established throughout this this Plan are achieved;
 - ii. Confirm the boundaries of the Municipality's Natural Heritage System, Natural Hazards and other Natural Heritage Areas to be protected through completion of a Watershed and Subwatershed Plan or equivalent studies;
 - iii. Identify, avoid and manage land use conflicts between major facilities and sensitive land uses;
 - iv. Identify proposed parks, recreation facilities and uses, and trailways; · Identify a detailed road pattern;
 - v. Prepare a Block Servicing Strategy that is informed by Watershed and Subwatershed Plan or the equivalent to outline the provision of municipal services to support the development including water, sewer, and storm water management;
 - vi. Provide a Design Report or similar that outlines the preliminary design concepts and their relation to Cultural Heritage Landscapes and Resources, Indigenous values, the small-town charm of the Municipality, and an overall high quality design;
 - vii. Identify network and system connections, including transportation and public space connections, to properties within and adjacent to the Block Plan area;

- viii. Where the Block Plan area includes multiple landowners, form the basis for a Developer’s Group Agreement or similar; and
 - ix. All other items as identified in the Municipality’s approved Terms of Reference.
- b) The preparation of Block Plans shall conform to the policies of this Plan, including any implementation tools, guidelines, by-laws or similar. The Block Plan shall be prepared in accordance with a Terms of Reference as prepared by the proponent(s) at the beginning of the Block Plan process and after Pre-Consultation with the Municipality of Bayham, Indigenous communities, and any agency having jurisdiction.
 - c) The Block Plan and applicable studies may form the basis for minor and technical adjustments to the boundaries of land use designations without the requirement for an amendment to this Plan, to the satisfaction of the Municipality.
 - d) Further and supplementary to this Plan, the Municipality of Bayham may develop a Comprehensive Terms of Reference for Block Plans to be added as an Appendix to this Plan and whereby the submission of a Block Plan would be subject to the terms of said Appendix as applicable.

11.6.13 *Master Environmental Servicing Plans*

Master Environmental Servicing Plans and similar studies are long range plans undertaken prior to large-scale development that integrate infrastructure requirements for existing and future land uses with environmental assessment planning principles to ensure that land use planning achieves sustainable and managed growth. The following policies shall apply to the preparation of Master Environmental Servicing Plans:

- a) Such studies shall reflect the goals, objectives, visions, and policies of this Plan in a comprehensive manner. Studies must examine related infrastructure systems such as transportation, water supply, sanitary sewers, stormwater management, natural heritage systems, water resource systems, cultural heritage resources, and urban design, to determine a comprehensive framework for long range planning as part of development through the secondary planning process.
- b) Master Environmental Servicing Plans must be prepared prior to large-scale development occurring on large tracts of land within Settlement Areas or within a proposed Settlement Area Boundary expansion. For the purposes of this policy, large-scale development shall not be limited to consideration of singular properties but will generally mean development or redevelopment of lands where the potential exists for a large-scale cumulative development area, as determined by the Municipality of Bayham.

- c) A Master Environmental Servicing Plan may be initiated by the Municipality or undertaken by the private property owner(s) provided the Municipality has deemed it appropriate through the Council endorsement of a Terms of Reference for the study. The costs of preparing a Master Environmental Servicing Plan will be borne by the private property owner(s), and not the Municipality, unless it was initiated by the Municipality.
- d) Master Environmental Servicing Plans shall be approved by Council in consultation with Indigenous communities, Conservation Authorities, the Federal and Provincial governments, local residents, business owners, and adjacent municipalities where affected.
- e) Development within the boundaries of a Master Environmental Servicing Plan shall demonstrate conformity with the requirements and recommendations of the Master Plan.
- f) A Master Environmental Servicing Plan or similar study must be completed prior to the acceptance of a complete application for a *Planning Act* application with respect to large-scale development.

11.7 Property Acquisition, Parkland Dedication, and Disposal of Surplus Lands

11.7.1 *Property Acquisition*

- 11.7.1.1 The Municipality may acquire land to implement any element of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act*, *Ontario Heritage Act* or any other Act.
- 11.7.1.2 In acquiring land, the Municipality shall consider all options for the acquisition of land, including but not limited to: dedication; donations; assistance from other levels of government, agencies, conservation organizations, charitable foundations; density transfers; land exchanges; long-term leases; easement agreements; purchase agreements; the bonusing provisions of the *Planning Act*, subject to the other relevant policies of this Plan; partnerships; land trusts; placing conditions on development approvals; and, expropriation.

11.7.2 *Parkland Dedication*

- 11.7.2.1 In order to acquire and develop parks and open space areas, the Municipality shall require parkland dedication and cash-in-lieu of parkland in accordance with the following polices and the Municipality's parkland dedication by-law:
 - a) A dedication of five percent of the gross area of land proposed for development or redevelopment and/or a dedication rate of one hectare per 600 units at a maximum rate of 1 hectare per 1,000 units or the equivalent cash-in-lieu, of the gross area of lands being subdivided for residential purposes.

- b) A dedication of two percent (2%) of the gross area of land proposed for development or redevelopment or the equivalent cash-in-lieu, of the gross area of lands being subdivided for commercial and industrial purposes.
- c) Where land in a draft plan of subdivision is to be used for any use other than residential, industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of five percent (5%) of the gross area of the land proposed for development.
- d) The monies received from cash in lieu payments may be used to purchase park and open space areas elsewhere in the Municipality or, for any other public recreational purpose.
- e) The Municipality may accept cash-in-lieu of the land dedication to be paid into a special account and used as specified in the *Planning Act*. Council will consider cash-in-lieu of parkland dedication under the following circumstances:
 - i. Where the required land dedication fails to provide an area of suitable shape, size or location for development as public parkland;
 - ii. Where the required dedication of land would render the remainder of the site unsuitable or impractical for development; and,
 - iii. Where it is preferable to have consolidated parkland of a substantial size servicing a wide area.

11.7.2.2 The following criteria shall be considered where on-site parkland dedication is proposed:

- a) Lands conveyed to the Municipality for park or other recreational purposes shall be conveyed in a condition satisfactory to the Municipality, free and clear of all encumbrances unless otherwise agreed to by the Municipality, meeting minimum standards in terms of drainage, grading and site conditions;
- b) The Municipality will not consider any land that has been or is to be conveyed to the Municipality for stormwater management facilities, for flood plain or conservation purposes, for highways, roadways, walkways, servicing or any other non-parkland purpose, as contributing towards the required parkland dedication;
- c) The Municipality retains the right to not accept the conveyance of any land that is considered by the Municipality to be unsuitable for park or public recreation purposes and without restricting the generality of the foregoing, and having any of the following features:
 - i. environmental features;

- ii. hazardous or flood prone lands;
 - iii. steep or unstable slopes;
 - iv. where the location and configuration of the lands are constrained or undesirable as determined by the Municipality;
 - v. any lands having unsuitable or unstable soil conditions;
 - vi. utility rights-of-way or easements, including but not limited to hydro, gas, cable and telecommunications;
 - vii. lands that are contaminated or are suspected of being contaminated;
 - viii. any land containing an easement, encumbrance, or right-of-use that limits or restricts the Municipality's use of the land; or
 - ix. lands that are within or form part of a stormwater management facility.
- d) Where it has been determined by the Municipality that the lands to be conveyed have been physically disturbed by the dumping of debris, unconsolidated fill or other refuse, or by stripping the topsoil or by any other means or works, the owner shall be responsible for restoring the land to a condition satisfactory to the Municipality before the Municipality accepts such lands.
- e) For any other criteria specified in the Municipality's parkland dedication by-law.

11.7.2.3 Any legal and administrative costs associated with the conveyance of land for parkland purposes under this subsection shall be the responsibility of the transferor.

11.7.3 *Disposal of Municipal Surplus Lands*

In accordance Section 270 of the *Municipal Act*, as may be amended or updated, it is the policy of the Municipality to require that the disposal of surplus real property be undertaken in a transparent and accountable manner that maximizes social, economic, environmental, and cultural return to the Municipality. The disposal of surplus real property shall be implemented in a manner that is consistent with the vision, objectives, and policies of this Plan.

11.7.4 *Cash In-Lieu of Parking*

In order to acquire and develop public parking areas, the Municipality may accept cash-in-lieu of the provision of on-site parking used as specified in the *Planning Act*. The monies received from cash in lieu payments shall be used to purchase public parking elsewhere in the Municipality or for any other public

parking purpose. Council may consider acceptance of cash-in-lieu of vehicular parking under any one of the following circumstances:

- a) Where the required provision of on-site parking is restricted or limited due to the available lot area, the shape, physical limitations of the land or the location of parking for the intended use;
- b) Where the required provision of on-site parking would render the remainder of the site unsuitable or impractical for development; and
- c) Where it is preferable and in the public interest to have consolidated publicly accessible parking located elsewhere in the Municipality.

11.8 Community Benefits Charges

The Municipality may prepare a background study and enact a by-law in accordance with the *Planning Act* to collect Community Benefits, with such charges applied, calculated, and collected in accordance with the *Planning Act*, this Plan, and the by-law. Such a by-law may apply to the Municipality as a whole and/or to specific geographic areas and may exempt some or all Community Benefits Charges or exempt certain development or redevelopment from the Community Benefits Charges to promote specific development, redevelopment, or revitalization objectives in accordance with the *Planning Act* and the policies of this Plan.

11.9 Reference to Legislation, Policies, & Guidelines

Where this Plan makes reference to any act, regulation, policy, or guideline of any planning authority, such reference shall be deemed to include any subsequent amendments or successor document.

11.10 Discrepancies in the Plan

If there is a discrepancy between policies of any section of this Plan or the County of Elgin's Official Plan, the more stringent policy, standard, or criteria shall prevail. Alternatively, the matter may be referred to Municipal Council for clarification.