

OFFICIAL PLAN  
MUNICIPALITY  
OF  
DUTTON/DUNWICH

Municipality of Dutton/Dunwich  
199 Main Street  
**DUTTON**, Ontario  
N0L 1J0

## **Preface**

The Official Plan of the Municipality of Dutton/Dunwich was adopted by the Municipal Council on April 11<sup>th</sup>, 2001 and replaces the Official Plan of the Village of Dutton, and the Official Plan of the Township of Dunwich.

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

The Minister's approval certificate and a list of the Minister's Modifications to the Plan are on file in the Office of the Municipality of Dutton/Dunwich for review, during normal business hours.

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Ken Loveland  
Clerk-Treasurer-Administrator

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

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## **LIST OF SCHEDULES**

### SCHEDULE

“A”	Land Use Plan - Municipality of Dutton/Dunwich
“B”	Land Use Plan - Dutton
“C”	Land Use Plan - Duttona Beach

## 1.0 INTRODUCTION

### 1.1 BACKGROUND

This document, comprised of a written text and attached map schedules, constitutes the Official Plan of the Municipality of Dutton/Dunwich pursuant to Section 17 of the Planning Act, as amended or revised from time to time. This plan is the successor to the Official Plan of the Township of Dunwich, adopted in 1986 and approved in 1988 and the Official Plan of the Village of Dutton, adopted in 1986 and approved in 1988.

In 1998, the Township of Dunwich and the Village of Dutton, reached a decision to amalgamate into one new municipality. This plan is the result of the amalgamated planning policies and vision expressed by both former municipalities with due consideration of the 1997 Provincial Policy Statement. Words or phrases which appear in *italic* type in the text of this document are more specifically defined in “Appendix A” to this Plan. Reference to the 1997 Provincial Policy Statement will assist in the interpretation of this Official Plan.

### 1.2 PURPOSE OF THE PLAN

The Official Plan of the Municipality of Dutton/Dunwich establishes, in general terms, the desired type, pattern, and form of future development, redevelopment and improvement within the Municipality. It is designed to achieve the following purposes:

- 1.2.1 To assist Council in determining its future actions and position in all matters relating to the development, redevelopment, and improvement of the Municipality;
- 1.2.2 To provide the basis for legislation, policies, programs, and actions that will secure the health, safety, welfare, convenience and enjoyment of the existing and future residents of the Municipality;
- 1.2.3 To ensure a logical, orderly, and compatible pattern of land use, land development and redevelopment;
- 1.2.4 To recognize the limited financial status of the Municipality and to ensure a satisfactory ratio between residential assessment and commercial/industrial assessment;
- 1.2.5 To provide guidance for the preparation, administration, and amendment of zoning by-laws;
- 1.2.6 To assist all public bodies and agencies concerned with or having an interest in the Municipality in determining their future actions, needs, or requirements;
- 1.2.7 To inform the general public and special interest groups of the nature and direction of future land use development, redevelopment and improvements in the Municipality;
- 1.2.8 To inform private interests and enterprises of the nature and direction of future land use development, redevelopment and improvements in order that they might co-ordinate their activities and expansions accordingly.

## **2.0 LAND USE**

### **2.1 AGRICULTURE**

#### **BACKGROUND**

The “Agriculture” land use designation covers the largest portion of the Municipality. This designation reflects the existence of high capability soils for agriculture (over 90% of the Municipality’s land area being within the top four class ratings of the Canada Land Inventory) and the large percentage of the Municipality’s land area classified as improved land (over 80% based on the 1991 census). Soils in the Municipality are predominantly of a heavy clay nature in the north giving way to clay loam in the south. An extensive network comprising natural tributaries and municipal drains has been developed to increase soil productivity. Livestock farming (principally beef cattle and hogs) and cash crops (principally corn and soybeans) are the predominant farming types.

The policies of the “Agriculture” designation which follow are intended to ensure the continuation of farming as the predominant use of this area, free in its ability to function and expand in accordance with sound farm management techniques and conservation practices and without the constraints imposed by potentially conflicting land uses. While land uses in addition to farming are permitted as set out in the policies, they will be strictly controlled in terms of their type and location so as not to be detrimental to farming.

#### **GOALS**

- a) To preserve agricultural land for farming purposes;
- b) To provide adequate safeguards and flexibility in the future development of the Municipality to enable farmers to adjust to changing market conditions;
- c) To facilitate the development of services and facilities necessary to support agriculture;
- d) To protect trees as one means of ensuring the long-term viability of agricultural lands due to their moderating effects on temperatures and their controlling influence on soil erosion;
- e) To protect and to promote the sound management of existing woodlots and forests;
- f) To encourage reforestation and other conservation measures and farm management practices designed to maintain the area’s natural environment and ecological balance;
- g) To prevent soil erosion and to protect surface and groundwater resources from depletion or contamination;
- h) To retain the rural character by discouraging urban development, instead directing this type of development to areas specifically designated as hamlets or village.
- i) To encourage the exploration and production of oil and natural gas.

#### **AGRICULTURAL LAND USE POLICIES**

- 2.1.1 Within the areas designated “Agriculture” on Schedule “A”, the predominant use of land shall be for farming. The farm unit consisting of farmland, the farm residence, farm buildings and structures, and the farm woodlots shall be the basic building block of the “Agriculture” area. A full range of farming types shall be permitted including livestock

farming, cash crop farming, specialty farming, mixed farming and general farming.

- 2.1.2 Secondary uses may also be permitted and may include home occupations, agriculturally-related commercial and industrial operations (subject to Section 2.1.11), outdoor recreation uses (subject to Section 2.1.12), natural areas, forestry, exploration and production of oil and natural gas, and wayside pits and quarries and portable asphalt plants. Where these uses would conflict with existing farming operations or would reduce the farming options or flexibility on adjacent or surrounding farmland, they may not be permitted.
- 2.1.3 The “Agriculture” designation shown on Schedule “A”, the Future Land Use Plan of the Municipality of Dutton/Dunwich Official Plan shall apply to *prime agricultural areas* in the Municipality. All areas designated “Agriculture” shall be considered to be prime agricultural areas in accordance with the definitions of the Provincial Policy Statement
- 2.1.4 *Agricultural uses* will be permitted and encouraged in the “Agriculture” designation. *Agriculture-related uses* and *secondary uses* will also be permitted in the Agricultural designation provided they are compatible with agricultural uses and do not contribute to land use conflicts
- 2.1.5 Proposals for new or altered land uses in the “Agriculture” designation other than those contemplated by subsection 2.1.11 of the Official Plan will require an amendment to the plan which must be justified on the basis of demonstrated need for additional lands to be designated to accommodate the proposed use; no reasonable alternative locations which avoid *prime agricultural areas*; and no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural land. All such proposals will be subject to the Minimum Distance Separation Formula I.

#### Intensive Livestock and Nutrient Management

- 2.1.6 Livestock farming operations shall be characterized by the raising, keeping or propagation of animals and poultry for profit, as listed in the table of animal units commonly used in the calculation of *Minimum Distance Separation formulae*.
- 2.1.7
- i) The Minimum Distance Separation Formula II (MDS II) shall be used to calculate appropriate setback distances between all existing, expanded, and/or approved livestock uses and existing or approved development.
  - ii) An intensive livestock farming operation shall be characterized by a farm unit that accommodates 150 or more livestock units at any given time.
- 2.1.8
- i) The establishment of intensive livestock farming operations, or the expansion of an existing farm operation characterized as an intensive livestock farming operation by section 2.1.7 of the Official Plan, shall be required to prepare a Nutrient Management Plan to the satisfaction of Municipal Council before issuance of a building permit or any other requisite land use approvals.
  - ii) Municipal Council may also request the submission of a Nutrient Management Plan before issuance of a building permit for the establishment or expansion of livestock farming operations with less than 150 livestock units, but where the ratio of livestock units to tillable acres on the same premises where the livestock are housed



is equal to or greater than 1:1 (2.5 livestock units per tillable hectare).

- iii) The Ministry of Agriculture and Food (OMAF) may provide third-party reviews of nutrient management plans where the livestock operation is in excess of 150 livestock units, or is in excess of 50 livestock units, when there is a livestock density of greater than two livestock units per acre where the municipality provides the necessary information.

2.1.9 The Municipal Council may pass a by-law defining criteria necessary for the preparation of a Nutrient Management Plan. As a general rule, a Nutrient Management Plan should demonstrate compliance with the MDS II; an acceptable manure handling and storage system; and an adequate land base to accommodate an environmentally responsible soil nutrient balance.

2.1.10 Home occupations not directly related to farming may be permitted provided they remain clearly secondary to an agricultural or residential use, and provided they are engaged in primarily by those residing on the farm or within the dwelling within which the home occupation is being engaged in. Home occupations shall be conducted entirely within the dwelling or within a separate building located on the farm. The type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

2.1.11 Agriculturally related commercial and industrial uses that are small in scale, directly related to the farm operation, and required in close proximity to the farm operation may be permitted, subject to the following criteria:

- a) Agricultural land: The proposed use shall be located on non-agricultural land. Where locations on agricultural land are proposed, regard shall be had to Section 2.1.2.
- b) Adjacent and surrounding land use: The proposed use shall be located and designed in a manner to ensure compatibility with existing or proposed neighboring land uses. Where necessary or desirable, the proposed use shall be adequately buffered from neighboring land uses by the provision of adequate setbacks and/or screening. With respect to custom grain drying operations, a minimum buffer distance, as determined by the Municipality, after consulting the “Ministry of Environment’s Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses” (or its successor document), shall be maintained to reduce potential air quality and noise problems. All custom grain drying operations will require a certificate of approval from the Ontario Ministry of the Environment.
- c) Vehicular access: Vehicular access shall be available or made available from a public highway or public road (preferably a provincial highway or county road) of reasonable construction and maintenance shall be subject to the approval of the authority having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection.
- d) Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lot proposed to be used or created shall be adequate for the use being proposed. In no case shall lots be created which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
- e) Services: Existing or proposed services (including methods of potable water supply, sanitary sewage treatment and disposal and solid waste disposal, electric power, and

roads) shall be adequate to serve the proposed use subject to the approval of the authority(ies) having jurisdiction. If these services or facilities are deemed inadequate, the Municipality may require an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.

- f) Storm drainage: Adequate provision for storm drainage and surface runoff shall be provided. The Municipality may require the submission of a “grading plan”, to ensure surface runoff does not adversely affect neighboring properties.
- g) Zoning: All agriculturally related commercial and industrial operations shall be zoned and regulated by the use of a separate zone classification in the Zoning By-law. In no case shall lands be used, or buildings or structures erected which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted. In addition, all such agriculturally related uses shall comply with the Minimum Distance Separation Formula I, with respect to neighbouring livestock-related uses.
- h) Site plan: A site plan satisfactory to the Municipality, indicating the proposed building area, existence of natural features, existing land uses, neighboring land uses, ingress and egress from the subject lands, parking areas, on-site landscaping, and services shall accompany every proposal.

2.1.12 The following Special Policy Areas, as shown on Schedule “A”, permit site specific land uses and establish development criteria, notwithstanding the Agricultural Land Use Policies of Section 2.1.1. These Special Policy Areas recognize the unique character of the proposed land use and do not create a precedent in the Municipality.

2.1.12.1 Notwithstanding any policies of this Plan to the contrary, the use of lands comprising part of Lot 7, Concession VI of the Municipality of Dutton/Dunwich for active outdoor recreation purposes, namely a golf course, and designated as Special Policy Area No. 1 on Schedule “A” attached hereto, may be permitted. The development of these lands shall be subject to the site plan control provisions of the Planning Act. Any change in use other than to an agricultural use shall be evaluated on the basis of the Provincial Policy Statement, or their successor, and shall require an amendment to this Plan.

2.1.12.2 Notwithstanding any policies of this Plan to the contrary, the lands comprising Part Lots 18 and 19, Concession XII of the Municipality of Dutton/Dunwich may be used as a seasonal residential community (known locally as Bradtville), and are designated as Special Policy Area No. 3 on Schedule “A” to this plan. A seasonal residential community shall be defined as a cluster of single household dwellings that are not used or intended for continuous habitation or as a permanent residence. In recognition of the seasonal character of this existing development, these lands should be zoned in a fashion that conveys the limited municipal services available to the development. The redevelopment of these lands shall be subject to the site plan control provisions of the Planning Act.

2.1.12.3 Notwithstanding any policies of this Plan to the contrary, the lands comprising Part Lot 1, Concession A of the Municipality of Dutton/Dunwich may accommodate up to seven (7) non-farm residential building lots, and are designated as Special Policy Area No. 4 on Schedule “A” to this plan.

2.1.13 Wherever possible, the Municipality will encourage the protection and expansion of

woodlots, windbreaks and forests. The clearing of woodlots will not be permitted except in accordance with the County of Elgin Tree Cutting By-law and the Forestry Act. The Municipality may request reforestation of an equivalent area of land or planting of a fence line or windbreak.

- 2.1.14 A wayside pit to remove sand and gravel may be permitted provided the opening and rehabilitation of the wayside pit is in accordance with Section 2.3.8 and Section 2.3.9 respectively of this Plan.
- 2.1.15 Existing lots which have been created in conformity with the policies of this Plan for non-farm use and more particularly for lands intended to be occupied by any residential building, shall maintain a minimum separation distance of 235 metres from the licensed landfill site in Part Lot 6, Concession V, North of A and shall maintain a minimum separation distance of 150 metres from any sanitary sewage treatment facility, notwithstanding section 7.5 Landfill Sites, of this Plan. New lots, within 500 metres of the landfill site shall be subject to Section 7.5 of this Plan.

### **AGRICULTURAL LAND DIVISION POLICIES**

- 2.1.16 The creation of new residential building lots for purposes of retiring farmers, farm family members (whether or not they are engaged in the farm operation), or for any other non-farm residential purpose will not be permitted with the exception of lots for purposes of disposing of surplus farm dwellings in accordance with the policies of Sections 2.1.17 and 2.1.18. Additional dwellings, including mobile homes and prefabricated dwellings, may be permitted on the farm for retiring farmers, farm family members, or farm labor. The subsequent severing of these dwellings from the farm will not, however, be permitted.
- 2.1.17 Consents to sever and convey existing farm dwellings that are rendered surplus to the needs of the farm operation may be permitted, in the “Agriculture” designation provided:
- a) The dwelling has been in existence for a minimum of ten years;
  - b) The lot with the surplus dwelling should 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;
  - c) The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;
  - d) The lot with the surplus dwelling must comply with the provisions of an appropriate “Rural Residential” zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a variance is granted;
  - e) The retained agricultural lands must meet the Agricultural (AI) Zone provisions of the Zoning By-law unless the by-law is otherwise amended or a variance is granted;
  - f) 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;
- 2.1.18.1 Additional residential dwelling units will be prohibited on retained agricultural parcels of land regardless of changes in property boundary or ownership. This restriction will be addressed by placing the retained lands into a Special Agricultural Zone prohibiting the construction of additional residential units.

2.1.18.2 Notwithstanding the above, a farm operation or a registered owner of a farm operation must retain a minimum of one existing farm dwelling within the Municipality of Dutton/Dunwich or in an adjacent municipality.

2.1.18.3 A surplus farm dwelling unit may be severed and retained for farm retirement purposes by an individual of retirement age who has been a full time farmer for a minimum of 10 years immediately preceding the application for severance, and who is retiring from active working life. Such severances shall meet the criteria for existing surplus farm dwellings as prescribed in subsection 2.1.17 of the Official Plan. Surplus dwelling severances created for farm retirement purposes will not be subject to the requirements to retain another farm dwelling as per subsection 2.1.18.2 of the Official Plan.

2.1.19 **Infilling:**

The creation of a single lot for infill residential development may be permitted in the Agriculture designation provided the following criteria are met:

- a) The lot to be severed is bounded on both sides by existing non-farm residential dwellings which are on separated lots of similar size, are located on the same side of the road and where the buildings are approximately 100 metres apart or less;
- b) The lot to be severed must not be within the applicable separation distance of an intensive livestock operation as prescribed by the Minimum Distance Separation I formula;
- c) The lot to be severed must be capable of supporting a private sanitary sewage disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- d) The lot to be severed should be situated on land that is deemed unsuitable for viable agricultural production.

2.1.20 In the past, limited residential development on small lots not related to farming has occurred within the “Agriculture” designation. Vacant lots existing at the date of passing of the Zoning By-law may be used for the purposes of establishing a single detached dwelling provided they are capable of being serviced by an adequate water supply and on-site sanitary waste disposal systems, and provided the location of the new residence complies with the provisions of the applicable Minimum Separation Distance formula. All existing vacant lots will require an amendment to a Rural Residential Zone in the Zoning By-law of the Municipality of Dutton/Dunwich prior to being used for residential purposes.

2.1.21 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 in the type or size of farming operation, in order to meet changing economic conditions;
- e) The severed and retained parcels are both suitable for the type of agriculture in the area and the farm size is appropriate to the type of agriculture proposed;
- f) The Minimum Distance Separation Formula I;
- g) The requirements of the Planning Act; and
- h) The minimum farm parcel size as established in the Zoning By-law;
- i) The Municipality shall discourage severances that contravene or undermine existing, approved Nutrient Management Plans, or agreements thereto, as may be in effect pursuant to a Nutrient Management By-law.

## 2.2

### **RESTRICTED AGRICULTURE**

#### **BACKGROUND**

The “Restricted Agriculture” land use designation surrounds or partially surrounds the designated hamlets of Iona, Iona Station, and Wallacetown. It also partially surrounds the designated village of Dutton. The intent of this land use designation is to ensure a reasonable degree of protection to these communities from the odours, dust, and noise frequently associated with certain types of agricultural activities. This buffer area generally measures 300 metres in depth around the designated hamlets and 450 metres around the designated village of Dutton. Where the separation distances required by Minimum Distance Separation formula II, (MDS II) between a livestock operation and an urban area, is greater than set out in the Restricted Agriculture designation above, the M.D.S. II formula will be the appropriate method of calculating separation distances.

The policies of the “Restricted Agriculture” designation which follow address the subject of new livestock and poultry operations and mushroom farms; as well as the replacement, reconstruction and expansion of existing ones. The establishment of outdoor recreation uses and the use of small existing lots for residential purposes in areas designated “Restricted Agriculture” are also addressed.

#### **GOALS**

To provide a reasonable degree of protection to designated hamlets, village and recreational areas from farm odours and other nuisances associated with certain types of agricultural operations.

#### **POLICIES**

### 2.2.1

Within the areas designated “Restricted Agriculture” on Schedule “A”, the primary use of land shall be for the production of field and specialty crops, market gardening, bush and

vine crops, grazing and forestry. Certain agricultural activities will be strictly controlled or otherwise prohibited to ensure a reasonable degree of protection to the designated hamlets and village from the odours, dust and noise frequently associated with certain types of agricultural activities. Agriculturally related commercial and industrial uses such as grain drying and handling facilities, livestock sales barns, and marketing yards shall be prohibited.

The specific uses permitted will be identified in the Zoning By-law. Secondary uses may also be permitted and may include home occupations and outdoor recreation uses.

- 2.2.2 New livestock operations and mushroom farms shall not be permitted unless measures are undertaken, satisfactory to the Municipality, which eliminates or effectively reduces any obnoxious odours arising from these operations. Existing livestock operations shall be allowed to continue, however, expansions and enlargements will only be permitted provided the operation can comply with the applicable Minimum Distance Separation formula and provided the requirements of Section 8.2.3 or Section 8.2.4, as the case may be, are satisfied.
- 2.2.3 Existing livestock buildings that are destroyed or partially destroyed may be reconstructed on their existing foundations or sites. Prior to issuing a building permit to repair or replace an existing livestock building, the Municipality in consultation with the owner, will consider the feasibility of relocating the operation to a location further removed from any existing or proposed built-up area and the measures which can be taken to overcome any adverse environmental impacts including odours arising from the existing operation.
- 2.2.4 All manure storage areas and feedlots shall be designed and located in a manner that prevents the potential for contamination of water resource areas. The spreading of manure in areas adjacent to watercourses shall be discouraged, and the fencing of farm ponds and watercourses will be encouraged to prevent direct watering of livestock.
- 2.2.5 The “Restricted Agriculture” designation will be greater in extent around the designated village of Dutton than the designated hamlets in order to reflect the significance of Dutton as the largest existing and future urban growth centre in the Municipality. The precise limits of the buffer area will be prescribed by means of a regulation in the Zoning By-law as a minimum separation requirement for livestock buildings and structures with respect to the village and hamlets.
- 2.2.6 Outdoor recreation uses such as public parks and conservation areas may be permitted subject to the same criteria as set out in Section 2.9 Open Space.
- 2.2.7 Farm-related residential uses and development as characterized in subsections 2.1.17, 2.1.18, and 2.1.19 is also permitted in the Restricted Agriculture designation.
- 2.2.8 In the past, limited residential development on small lots has taken place within the “Restricted Agriculture” areas. Lots existing at the date of the passing of the Zoning By-law may be used for the purposes of establishing a single detached dwelling provided they are capable of being serviced by an adequate water supply and on-site sanitary waste disposal systems, and provided the location of the new residence complies with the applicable Minimum Distance Separation formula. All existing vacant lots will require an amendment to a Rural Residential Zone in the Zoning By-law prior to being used for residential purposes.

## 2.3

**AGGREGATE RESOURCES****BACKGROUND**

Areas designated “Aggregate Resources” are those areas of the Municipality where a potential appears to exist for the commercial extraction of sand and gravel. While the Municipality is evidently not rich in high quality aggregate resource potential, certain areas along the Thames River and between Highway No. 401 and County Road No. 3 have been identified by the Ministry of Natural Resources as potential sand and gravel areas as shown on Schedule “A” to the Official Plan.

This section sets out the requirements and conditions for establishing a commercial pit in the Municipality as well as for wayside pits. All future commercial pits in the Municipality must lie within a designated “Aggregate Resources” area, be properly zoned for such purposes by the Zoning By-law, and be licensed by the Ministry of Natural Resources pursuant to the Aggregate Resources Act. In considering a zone change to permit the establishment of a commercial pit and in recommending to the Ministry on applications for a license, the Municipality will have regard to the policies which follow, as well as having regard to the Provincial Policy Statement of the Province. Establishment of new commercial pits in areas not currently designated will require an Official Plan Amendment.

This section also addresses those uses which are not directly related to aggregate resource extraction in areas designated “Aggregate Resources”; criteria to be taken into consideration when changing the designation of lands designated “Aggregate Resources”; and finally the rehabilitation of abandoned sand and gravel pits in the Municipality.

**GOALS**

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

**POLICIES**

- 2.3.1 Within the areas designated “Aggregate Resources” on Schedule “A”, the primary use of land shall be for the existing or future extraction of sand and gravel. Uses accessory to extraction such as processing (including crushing, washing) and the stockpiling of aggregate products extracted from the operation shall also be permitted. Extracted aggregate resources from outside the Municipality and from lands elsewhere in the Municipality may also be permitted in the designation for purposes of processing or stockpiling. A new pit (other than a wayside pit which governed by Section 2.3.8 or a pit governed by Section 2.3.14) shall not require an amendment to this Plan provided it is proposed to be located within an area designated “Aggregate Resources” on Schedule “A” and provided it complies with the policies of this Plan.
- 2.3.2 Where lands designated “Aggregate Resources” may affect nearby rivers, streams, woodlands or wetlands, an environmental assessment may be required to properly identify

and evaluate any potential impacts resulting from the proposed extraction. Preparation of the environmental assessment shall be the responsibility of the proponent. In determining the need for and the scope of the environmental assessment (including a review of its findings), the Municipality will request the input of the Lower Thames Valley Conservation Authority, the Ontario Ministry of Natural Resources, and the Ontario Ministry of Environment. Completion of an environmental assessment, in itself, shall not be construed as approval in principle of mineral aggregate extraction on lands designated “Aggregate Resources”.

- 2.3.3 Secondary uses may be permitted and may include such uses as agriculture, forestry, conservation, and outdoor recreation uses as defined in Section 2.1.12. The actual uses permitted will be specified in the Zoning By-law.
- 2.3.4 Where lands are designated “Aggregate Resources” on Schedule “A”, such designation does not in itself constitute Municipal approval for the opening of a new pit or quarry. All new pit operations shall require an amendment to Zoning By-law and a license from the Ontario Ministry of Natural Resources pursuant to the Aggregate Resources Act, and regulations pursuant thereto. In addition, all pit operations shall satisfy the requirements of the Ontario Ministry of the Environment with respect to matters of water supply, the taking of water, the disposal of liquid wastes and the control of air pollution, including noise, dust, and vibration.
- 2.3.5 The Zoning By-law will zone only those lands already in use and licensed by the Ontario Ministry of Natural Resources for purposes of aggregate resource extraction. Lands designated “Aggregate Resources” but not currently used or licensed for extraction may be restricted in their use until such time as an application for a license pursuant to the Aggregate Resources Act, has been submitted and the requirements of this Plan are deemed satisfied by the Municipality.
- 2.3.6 Proposals for the establishment of a pit (other than a wayside pit) shall satisfy the following criteria:
  - a) Ground water resources: A pit will not be permitted which has the potential to have a deleterious effect on the quantity or quality of ground water resources. Mitigating measures or safeguards may be required to ensure neighbouring water wells will not be jeopardized;
  - b) Adjacent and surrounding land use: All proposed pits shall be compatible with existing (or proposed) neighbouring land uses. Generally, the opening of new pits will be discouraged in areas adjacent to an area designated “Hamlet”, or areas zoned or developed for residential purposes. To minimize any land use conflicts, screening measures in the form of tree planting, earth berms or some combination thereof to provide an effective visual and noise buffer between the proposed pit and neighbouring land uses may be required. Limitations may be imposed on operating hours and the nature and location of processing facilities to ensure a reasonable degree of compatibility with neighbouring land uses;
  - c) Vehicular access: All roads to be used as truck routes serving the proposed pit shall be adequate or made adequate to meet the increase in truck traffic placed on them subject to the approval of the authority having jurisdiction. In no case shall access to these roads be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection;



- d) Rehabilitation: A progressive rehabilitation scheme to be implemented upon depletion of the aggregate resource shall accompany every proposal. Where the aggregate resource is situated on agricultural land, restoration of the agricultural capability of the lands in accordance with the Provincial Policy Statement will be required. Rehabilitation to agriculture and agricultural related uses, forestry, conservation or nature reserves will not require an amendment to this Plan;
- e) Site plan: All proposals to open a pit shall require the submission of a site plan complete with information as required by the Aggregate Resources Act, and regulations pursuant thereto, or any other pertinent and applicable government legislation or guidelines;
- f) Zoning: All new and existing pit operations (other than a wayside pit or a pit governed by Section 2.3.14) shall be zoned in a separate zone category in the Zoning By-law. The By-law shall establish the range of uses permitted and the regulations governing these uses. The Minimum Distance Separation Formula I, shall be applied to any new pit operation;
- g) Hours of operation and truck routes: The Municipality may pass by-laws, pursuant to the Municipal Act, to minimize impacts on neighbouring land uses and on Municipality roads. These by-laws may specify hours of operation, designation of truck routes and similar measures.

2.3.7 Application for a license to the Ontario Ministry of Natural Resources to establish a pit will be reviewed by the Municipality in accordance with the policies of this Plan. As a result of such review, the Municipality may recommend approval of the application, may recommend the application be denied, or may recommend the application be approved subject to certain conditions.

2.3.8 The Municipality, the County of Elgin, the Ontario Ministry of Transportation, neighbouring municipalities, or their agents may, for public road purposes, use any land within areas designated “Agriculture”, “Restricted Agriculture”, or “Aggregate Resources” on Schedule “A” for the extraction of aggregate resources. An amendment to the Official Plan or Zoning By-law will not be required for these wayside pits and quarries, and portable asphalt plants. All *wayside pits and quarries* require a permit issued under the Aggregate Resources Act, as administered by the Ministry of Natural Resources. *Portable asphalt plants* will require a certificate from the Ministry of the Environment under the Environmental Protection Act.

2.3.9 Where a wayside pit or quarry, or a portable asphalt plant is established on agricultural land, restoration of the agricultural capability of the lands in accordance with the Provincial Policy Statement will be required. Rehabilitation to agricultural and agricultural related uses, forestry, conservation or nature reserves will not require an amendment to this Plan.

2.3.10 To the extent its administrative and financial resources permit, the Municipality will support the efforts of landowners, special interest groups, the Lower Thames River Conservation Authority, and the Ministry of Natural Resources in the rehabilitation of abandoned pits provided such rehabilitation is for a use which is in conformity with the policies of the land use designation within which the abandoned pit is situated, as well as any other relevant policies of this Plan.

2.3.11 The creation of new lots or the alteration of existing lots, which have the effect of significantly reducing the viability of an existing or potential extractive operation, will not be permitted.

2.3.12 Applications to change the designation of lands from “Aggregate Resources” to some other land use designation will be considered provided the Municipality is satisfied:

- a) The subject lands have been exhausted of all aggregate resources or any remaining aggregate resources are uneconomical to extract; or
- b) Extraction may result in environmental degradation or a threat to public health and safety; or
- c) The proposed change in land use or development serve a greater, long term public interest; or
- d) The proposed land use or development would not significantly preclude or hinder future extraction.

2.3.13 Until such time as a proposal for a pit is submitted and found acceptable to the Municipality in accordance with the policies of this section, lands designated “Aggregate Resources” may remain zoned Agricultural (A1) in the Zoning By-law and the policies of this Plan which governs such zoning, namely, those of the “Agriculture” area (Section 2.1), shall apply as if these lands were within the “Agriculture” area designated on Schedule “A”.

2.3.14 The removal or leveling of hills containing aggregate resources for the purposes of increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of land surrounding the hill shall be permitted without the need for an amendment to this Plan or the Zoning By-law. Permission to remove or level these sites shall, however, be subject to approval of Council and a license being issued by the Ministry of Natural Resources pursuant to the Aggregate Resources Act.

## **2.4 RESIDENTIAL**

2.4.1 Within the areas designated “Residential” on Schedule. “B”, the primary use of land shall be for single detached dwellings. Two unit dwellings and multiple unit dwellings shall also be permitted to ensure a diversity of housing types capable of meeting the needs and preferences of the existing and future residents of Dutton. The actual types of dwelling units permitted in the designated “Residential” areas will be specified and regulated by the Zoning By-law.

2.4.2 Secondary uses may be permitted in the designated “Residential” areas and may include home occupations, institutional uses, professional offices, group homes, neighbourhood parks, and open space.

2.4.2.1 Group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live under responsible supervision consistent with the particular requirements of its residents. The

home is licensed and/or approved for funding under provincial statutes and in compliance with municipal by-laws.

- 2.4.2.2 In order to prevent an undue concentration of group homes in specific areas of the Municipality, standards requiring a minimum distance between these facilities will be incorporated in the Zoning By-law.
- 2.4.2.3 Group homes existing on the date the zoning by-law comes into effect, but not complying with the requirements of the by-law, will be allowed to continue in operation but will not be permitted to expand without municipal approval.
- 2.4.3 Home occupations may be permitted if they are clearly secondary to a residential use, are contained entirely within a dwelling unit, and comply with the standards and regulations set out in the Zoning By-law.
- 2.4.4 Institutional uses, in accordance with Section 2.10, may be permitted provided they do not adversely affect the quality and character of the “Residential” areas and provided they comply with the standards and regulations set out in the Zoning By-law.
- 2.4.5 Neighbourhood parks, playgrounds and other public open space areas that serve residential needs and complement the character of the “Residential” areas shall be permitted in accordance with Section 2.9 and provided they comply with the standards and regulations set out in the Zoning By-law.
- 2.4.6 In order to maintain and strengthen the development of the “Central Business District” and in order to maintain the character of designated “Residential” areas, the establishment of commercial retail and service uses (with the exception of professional offices and home occupations) in the “Residential” areas will not be permitted. The establishment of professional offices in areas designated “Residential” shall be subject to the policies of Section 2.4.12.
- 2.4.7 The Zoning By-law will zone only those lands already developed for residential purposes plus infilling situations (i.e. existing lots on opened streets). Large blocks of land designated “Residential” on Schedule “B” which are at the present time undeveloped will be placed in a “holding” zone in accordance with Section 8.2 until such time as conditions are right to permit development.
- 2.4.8 Proposals for new single detached and two unit dwellings in the designated “Residential” areas shall meet the following criteria:
  - a) Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lots proposed to be used or created for residential purposes shall be appropriate to the development being proposed and consistent, wherever desirable and feasible, to adjacent and surrounding lots. In no case shall lots be created or dwelling units constructed which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
  - b) Natural features: Natural site features including vegetation, tree cover, and topography shall be protected, enhanced, and incorporated into the design of the proposed development to the greatest extent possible.

- c) Design: Innovative housing design and site layout including energy-saving measures will be encouraged to achieve energy savings, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.
- d) Open space: Open space including parkland shall be provided in accordance with the policies of Section 2.9.
- e) Adjacent and surrounding land use: The proposed development shall be compatible with existing (or proposed) neighbouring land uses. Where necessary or desirable, the proposed development shall be adequately screened from adjacent land uses by the provision of landscaping and/or buffering.
- f) Facilities and services: Existing or proposed municipal services (including potable water supply, sanitary sewage collection and treatment, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate (ie. uncommitted reserve capacity available) to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standards.
- g) Storm drainage: Adequate provision for stormwater quality management, drainage and surface runoff subject to the requirements of the Municipality and the Provincial Approval Authority (Ministry of the Environment) shall be made. The Municipality may require the submission of a “grading plan” to ensure surface runoff does not adversely affect neighbouring properties.
- h) Vehicular access: Vehicular access shall be available or made available from a public highway or public street of reasonable construction and maintenance to permit year round access and shall be subject to the approval of the authorities having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection. In new residential subdivisions, the use of a curvilinear street pattern, cul-de-sacs, and other similar design features to minimize through traffic movements may be considered.
- i) The Planning Act: In the case of a residential subdivision, all matters contained within Section 51 of the Planning Act, as amended or revised from time to time, shall be complied with. Only those plans of subdivision which comply with the requirements of this Plan and which are capable of being supplied by adequate services and facilities (including fire protection and schools) will be recommended by the Municipality for approval in accordance with the provisions of the Act.

#### 2.4.9

Proposals for new multi-unit dwellings shall meet the criteria of Section 2.4.9 along with the following additions or modifications:

- a) Location: Locations considered most desirable for multi-unit residential development within the Municipality are adjacent or close to the areas designated “Central Business District” and “Open Space”. Generally, multi-unit residential

development shall be clustered in groups rather than dispersed throughout the “Residential” areas. Proposals for multi-unit residential development designed or intended for families with children will be encouraged to locate within safe walking distance to elementary schools and public open space. Locations where traffic safety hazards to children are apt to occur will be discouraged.

- b) Density and height: The density and height of development shall be compatible with the existing density and height of development in the area. The actual density and height of development permitted will be established in the Zoning By-law.
- c) Design: Creative site design will be encouraged to enhance the quality of the development and the residential character of the area.
- d) Open space: Adequate open space shall be provided and maintained in accordance with Section 2.9.
- e) Vehicular access: Vehicular access shall be available from a public highway or public street capable of handling any increased traffic flow resulting from the proposed development.
- f) Pedestrian access: Pedestrian walkways shall be provided and maintained to enable safe and convenient access throughout the year between the proposed development and the local pedestrian circulation system and, where feasible and desirable, directly to public facilities (e.g. schools, parks, fairgrounds).
- g) Off-street parking: Adequate off-street parking for residents and visitors shall be provided in accordance with the Zoning By-law.
- h) Site plan agreement: To ensure a satisfactory standard of development, provision of services and facilities, and long-term maintenance, the Municipality may require that a site plan agreement be entered into prior to the issuance of any building permit.

2.4.10 Proposals for the conversion of single detached dwellings to multi-unit dwellings shall be permitted in accordance with the following criteria:

- a) The dwelling is of a size and design suitable and appropriate for conversion;
- b) Adequacy of public water supply and public sanitary sewage services subject to the approval of the authority(ies) having jurisdiction;
- c) A minimum floor area per dwelling unit in accordance with the standards of the Zoning By-law.
- d) Changes to the exterior of the building which would have the effect of substantially altering its appearance as a dwelling and which would detract from the residential character of the area will be discouraged.
- e) Adequate outdoor space for each dwelling unit;
- f) Adequate on-site parking for each dwelling unit in accordance with the standards

prescribed by the Zoning By-law.

- g) Compliance with all relevant provisions of the Zoning By-law.

#### 2.4.11

Proposals for the establishment of professional offices may be permitted in areas designated “Residential” in accordance with the following criteria:

- a) Location: Lands or buildings that are not well suited for residential purposes due to their location, age, or design will be encouraged. The location of professional offices in recently constructed dwellings or in recently developed areas of Dutton will be discouraged.
- b) Servicing: Adequacy of a public potable water supply and public sanitary sewage services subject to the approval of the authority(ies) having jurisdiction.
- c) Landscaping and buffering: On-site landscaping and buffering shall be provided to minimize any adverse impact on neighbouring residential lands and to ensure that the proposed development is in harmony with the residential character of the area.
- d) Design: Where existing buildings are proposed to be converted to professional offices, changes to the exterior of the building, which would have the effect of substantially altering its appearance in a manner that would detract from the residential character of the area, will be discouraged. Where new buildings are being proposed for professional offices, the design of these buildings in a manner which complements and enhance the residential character of the area will be encouraged.
- e) Off-street parking: Adequate off-street parking for employees and patrons shall be provided in accordance with the Zoning By-law. Proposals which would require the conversion of relatively large amounts of existing landscaped or grassed areas into parking areas will be discouraged as these will detract from the residential character of the area.
- g) Zoning: Lands presently used for professional offices will be placed in a separate zone category in the Zoning By-law. All new proposals will require an amendment to the By-law.
- h) Site plan agreement: To ensure a satisfactory standard of development, provision of services and facilities, and long-term maintenance, the Municipality may require that a site plan agreement be entered into prior to the issuance of any building permit.

#### 2.4.12

New residential development by land severance, which would result in the creation of a number of individual parcels of lands, will be discouraged in favour of a plan of subdivision. A plan of subdivision may be considered unnecessary in the following circumstances:

- a) Only 3-5 lots are proposed;
- b) The proposed lots front on an opened and suitably constructed public street;
- c) Public water supply and sanitary sewer connections are available off existing mains;

- d) The residential policies for the type of dwelling units being proposed are complied with;
- e) The general land severance policies of Section 8.6 are complied with.

2.4.13 The Municipality will encourage owners and tenants of deteriorated or substandard housing to rehabilitate, improve and maintain their dwellings and property and, in this regard, may participate in community improvement programs and enforce minimum standards for property maintenance and occupancy.

2.4.14 The Municipality may participate in the housing programs of the Federal and Provincial governments to meet its housing needs.

## **2.5 CENTRAL BUSINESS DISTRICT**

2.5.1 Within the area designated “Central Business District” on Schedule “B”; the primary use of land shall be for those establishments engaged in the buying and selling of goods and services. The actual types of commercial uses permitted in the “Central Business District” designation will be specified in the Zoning By-law.

2.5.2 Secondary uses may be permitted in the “Central Business District” and may include institutional uses in accordance with Section 2.10, public parks and open space, and off-street parking. Residential uses in the form of dwelling units over and above ground floor commercial uses will be permitted in the central or core area while multiple family dwellings may be permitted towards the periphery in accordance with Section 2.4.10. Uses accessory to commercial uses (e.g. repair, manufacturing, storage and office space) will also be permitted and small scale manufacturing and repair uses may be permitted provided they do not pose a potential nuisance or safety hazard to non-industrial uses. The actual secondary uses permitted will be specified in and regulated by the Zoning By-law.

2.5.3 The “Central Business District” will be recognized as the principal and dominant focus of commercial activity, compact in form and characterized by a diversity of uses. New commercial development will therefore be directed to the “Central Business District” unless the nature of the proposed development or the lack of suitable sites makes location in the “Central Business District” impractical.

2.5.4 The Municipality, to the extent of its financial abilities and in co-operation and consultation with merchants and affected property owners, will seek to strengthen and enhance the “Central Business District”. A revitalization plan for the “Central Business District” may be prepared based on an overall development theme and prescribing a series of coordinated improvements to the streetscape, building facades, pedestrian circulation and amenities and vehicular circulation and parking. The plan will be implemented primarily by improvements to publicly and privately owned land, but may also include the acquisition of land by the Municipality for purposes of providing adequate and conveniently accessible off-street parking or where the use of such land is detracting from the “Central Business District” or is otherwise preventing desirable development from taking place.

2.5.5 Proposals for new development and redevelopment in the “Central Business District” shall

meet the following criteria:

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

## 2.6

### **HAMLETS**

#### **BACKGROUND**

Areas designated “Hamlets” are the small rural settlements of Iona, Iona Station, and Wallacetown. This section sets out the intended function and scale of these communities, the range of uses permitted, and servicing considerations. Also included are the criteria that will be used to assess development proposals with the designated “Hamlets” areas.

#### **GOAL**

Maintain the hamlets as rural service centres capable of accommodating additional development thereby alleviating development pressures on the agricultural areas.

#### **POLICIES**

### 2.6.1

The areas designated as “Hamlets” on Schedule “A” are intended to function as small rural settlements providing commercial, institutional, and recreational services to the surrounding area and capable of accommodating additional development.



- 2.6.2 It is intended that future development will be in keeping with the existing scale and character of development, primarily of an infilling nature or as a logical extension to existing development within the Hamlet designation as they existed at the date of approval of the Official Plan.
- 2.6.3 The primary use of land shall be for low-density residential purposes. Also permitted will be uses accessory to residential uses including home occupations. The Zoning By-law will specify and regulate the actual uses permitted.
- 2.6.4 Secondary uses may also be permitted and may include commercial uses, industrial uses, institutional uses, public parks and open space. These uses will be zoned in the Zoning By-law in a manner that ensures orderly development of the hamlet and minimizes any potential conflicts with existing uses.
- 2.6.5 All new development shall be connected to the municipal piped water supply system where available provided uncommitted reserve capacity exists, subject to the approval of the authority having jurisdiction.
- 2.6.6 Sanitary waste shall be treated and disposed of by private on-site systems subject to the approval of the authority(ies) having jurisdiction. Due to the presence of heavy clay soils, a larger lot size and other additional measures beyond the normal requirements may be required to ensure the satisfactory long term functioning of these systems.
- 2.6.7 Where new development is proposed, the following criteria shall be satisfied:
- a) Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lot proposed to be used or created shall be adequate for the use being proposed. In no case shall lots be created which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
  - b) Adjacent and surrounding land use: The proposed use shall be located and developed in a manner to ensure compatibility with existing or proposed neighbouring land uses. Where necessary or desirable, the proposed use shall be adequately buffered from neighbouring land uses by the provision of adequate setbacks and/or screening.
  - c) Services: Existing or proposed services (in particular potable water supply, sanitary sewage treatment and disposal, solid waste disposal, electric power, and roads) shall be adequate subject to the approval authority having jurisdiction. If these services or facilities are deemed inadequate, the Municipality may require an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
  - d) Storm drainage: Adequate provision for storm drainage and surface runoff shall be provided. The Municipality may require the submission of a “grading plan” to ensure surface runoff does not adversely affect neighbouring properties.
  - e) Vehicular access: Vehicular access shall be available or made available from a

public highway or public road of reasonable construction and maintenance shall be subject to the approval of the authority having jurisdiction. In no case will access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection.

- f) Zoning: All development shall be zoned and regulated by the Zoning By-law. In no case shall lands be used, or buildings or structures erected which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
- g) Site plan: A site plan agreement, satisfactory to Municipality, indicating the proposed use, the building area, existence of natural features, existing land uses, neighbouring land uses, proposed ingress and egress, parking areas and layout, on-site landscaping, and services shall accompany every proposal.

## 2.7

### **HIGHWAY COMMERCIAL**

#### **BACKGROUND**

The “Highway Commercial” designation applies to a few limited areas of the Municipality, which as a result of their location and/or the existing nature of development, are considered potentially suitable for commercial uses that exhibit a strong orientation to vehicular traffic and single purpose shopping trips. The policies that follow describe the type of uses permitted in these areas and the criteria that will be used to evaluate proposals for new development, redevelopment, and expansion. The importance of ensuring high standards of site design and maintenance is also addressed.

#### **GOALS**

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

#### **POLICIES**

##### 2.7.1

Within the areas designated “Highway Commercial” on Schedule “A” and Schedule “B”, the predominant use of land shall be for those commercial establishments that are oriented to vehicular traffic and single purpose shopping trips. These areas may also be used or developed for space extensive commercial uses that require or benefit by large land areas for building coverage, outside storage and selling space, and/or off-street parking. The actual type of uses permitted in the designated “Highway Commercial” areas will be specified in and regulated by the Zoning By-law.

##### 2.7.2

In view of the strategic location of the “Highway Commercial” areas at the intersection of Currie Road (County Rd. No. 8) and Highway No. 401 in Dutton, as shown on Schedule

“B”, a high standard of site design and maintenance will be encouraged. In addition:

- a) A traffic impact analysis study will be required in this area, for review by the Ministry of Transportation, in order to determine the extent of highway improvements that may be required; and
- b) Open storage areas shall be prohibited unless it can be demonstrated that appropriate landscaping and screening to shield the open storage area will not detract from the intended character of the area; and
- c) Loading areas will generally be restricted to those areas not facing the highway; and
- d) All industrial/commercial activities will be encouraged to locate within enclosed buildings unless it is essential for an activity to locate outdoors in which case the industrial/commercial use will be suitably screened and buffered from the highway.

### 2.7.3

Proposals for new development, redevelopment, and expansion in the “Highway Commercial” areas shall meet the following criteria:

- a) Services and facilities: Existing or proposed services (in particular potable water supply, sanitary sewage treatment and disposal, solid waste disposal, storm and surface drainage) shall be adequate to serve the proposed development subject to the approval of the authority having jurisdiction.
- b) Vehicular access: Vehicular access shall be available or made available from a public road of asphalt or similar type construction subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and restricted in width. Shared access with existing or future adjacent development will be encouraged.
- c) Off-street parking: Adequate off-street parking shall be provided in accordance with the Zoning By-law.
- d) Adjacent and surrounding land use: Buffer planting and screening shall be provided to reduce or eliminate any potential conflicts with adjacent or neighbouring land uses.
- e) Zoning: All new development, redevelopment and expansions to existing development shall comply with the Zoning By-law unless the By-law is otherwise amended or a variance granted. Lands designated “Highway Commercial” may not be zoned as such until the Municipality is satisfied that the aforementioned criteria have been complied with.
- f) Site plan: A site plan, satisfactory to the Municipality, indicating the proposed use, the proposed location of all buildings and structures, neighbouring land use, proposed ingress and egress, parking areas layout, on-site landscaping, storm drainage provisions and services shall accompany every proposal.

**2.8****INDUSTRIAL****BACKGROUND**

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

**GOALS**

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

**POLICIES**

- 2.8.1 Within the areas designated “Industrial” on Schedule “B”, the predominant use of land shall be for industrial activities including the manufacturing, wholesaling, warehousing, distributing, repair and servicing and storage of goods and materials. Bulk sales establishments such as farm fuel agents, and building supply outlets and accessory uses such as offices and factory retail outlets for the sale of goods manufactured on-site, shall also be permitted.
- 2.8.2 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, or processing and whose subsurface sanitary sewage treatment and disposal system(s) are used for the domestic waste generated by employees. All industrial uses shall meet the requirements, and where necessary, obtain the approval of the applicable approval authority; including but not necessarily limited to the Ontario Ministry of the Environment and/or the Elgin-St. Thomas Health Unit, as the case may be, with respect to potable water supply, sanitary sewage treatment and disposal, solid waste disposal and emissions to the atmosphere including but not necessarily limited to noise, dust and vibration.
- 2.8.3 Secondary or non-industrial uses in the designated “Industrial” areas shall also be permitted and may include commercial and institutional uses which, due to the nature of activity they are engaged in, are compatible with industrial uses, or are not well suited or are other wise unable to be suitably located in the “Central Business District”. Similar types of public uses deemed compatible with industrial uses may also be permitted. The specific types of non-industrial uses will be identified and regulated by the Zoning By-law.

- 2.8.4 Secondary uses will not be allowed to establish at random within the designated “Industrial” areas but rather will be directed to locations that do not in any way detract from the area for industrial purposes.
- 2.8.5 The actual type or range of uses permitted in the “Industrial” designation will be specified in and regulated by the Zoning By-law. Those industrial uses which are likely to be noxious by reason of noise, smoke, or odour emissions or which require large areas for outside storage will be placed in a separate zone category and restricted to locations where the adverse impacts from the emission of contaminants on residential and other sensitive uses are capable of being minimized by practicable emission controls.
- 2.8.6 The Municipality will utilize its tools under the Planning Act, with respect to zoning, site plan control, community improvement, and property standards and maintenance to regulate, guide and improve development within the “Industrial” areas, to prevent conflicts between uses permitted within these areas, and to eliminate or effectively reduce any existing or potential conflicts with neighbouring “Residential” areas as a result of impacts related to emissions, traffic, and aesthetics.
- 2.8.7 Proposals for new development, redevelopment, and expansion shall meet the following criteria:
- a) Services and facilities: Existing or proposed services (in particular potable water supply, sanitary sewage treatment and disposal, solid waste disposal, storm and surface drainage) shall be adequate to serve the proposed development subject to the approval of the authority having jurisdiction.
  - b) Vehicular access: Vehicular access shall be available or made available from a public road of asphalt or similar type construction subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and restricted in width. Shared access with existing or future adjacent development will be encouraged. In addition, a traffic impact analysis study will be required in the “Industrial” area south of Highway 401 in Dutton, as shown on Schedule “B”, for review by the Ministry of Transportation, in order to determine the extent of highway improvements that may be required.
  - c) Off-street parking and loading: Adequate off-street parking and loading facilities shall be provided in accordance with the Zoning By-law.
  - d) Adjacent and surrounding land use: Buffer planting and screening shall be provided to minimize any potential conflicts with adjacent or neighbouring land uses. In terms of separation distance, due consideration will be given to the guidelines presented in the Ministry of the Environment’s “Guidelines D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses” or its successor document.
  - e) Zoning: All development, redevelopment and expansions to existing development shall comply with the Zoning By-law unless the By-law is otherwise amended or a variance granted. Lands designated “Industrial” may not be zoned as such until the Municipality is satisfied that the aforementioned criteria have been complied with.

- f) Site plan: A site plan, satisfactory to the Municipality, indicating the proposed use, the proposed location of all buildings and structures, neighbouring land uses, proposed ingress and egress, parking areas and layout, on-site landscaping, storm drainage provisions and servicing shall accompany every proposal.

## **2.9 OPEN SPACE**

- 2.9.1 Within the areas designated “Open Space” on Schedule “A” and Schedule “B” the primary use of land shall be for public parks, conservation areas, fairgrounds, other similar outdoor recreation areas, and cemeteries. Secondary uses such as buildings, structures and parking areas accessory or complementary to the “Open Space” areas shall also be permitted.
- 2.9.2 Neighbourhood parks and playgrounds serving local needs shall not be included in the “Open Space” designation but rather in the “Residential” designation. They will, however, be zoned as “Open Space” in the Zoning By-law.
- 2.9.3 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.
- 2.9.4 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 re-designate the said lands for development purposes.
- 2.9.5 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.
- 2.9.6 The Municipality will attempt to ensure that adequate neighbourhood parks are provided to serve the designated “Residential” areas.
- 2.9.7 In order to acquire and develop parks and open space areas, the Municipality shall require a dedication not exceeding five percent, or cash-in-lieu, of lands being subdivided for residential purposes and not exceeding two percent, or cash-in-lieu, of lands being subdivided for commercial or industrial purposes in accordance with the Planning Act. The monies received from cash-in-lieu payments may be used to purchase park and open space areas elsewhere in the Municipality.
- 2.9.8 As a condition of development or redevelopment of land, the Municipality may, by by-law applicable to the whole of the Municipality or to any defined area or areas thereof, require that land in an amount not exceeding five percent of the land (or the equivalent value) proposed for residential purposes or not exceeding two percent of the land (or the equivalent value) proposed for commercial or industrial purposes, be conveyed to the Municipality for park purposes. A by-law passed for the above purposes is not applicable to a plan of subdivision approved under the Planning Act, if land was conveyed to the Municipality for park purposes pursuant to a condition imposed by the Minister, or cash-in-lieu of such

conveyance has been accepted by the Municipality.

2.9.9 Lands proposed to be dedicated to the Municipality under Section 2.9.7 or Section 2.9.8 will be evaluated by the Municipality on the basis of the following criteria:

- a) Accessibility to park users;
- b) Site characteristics and potential;
- c) Size and shape of parcel
- d) Potential for expansion
- e) Proximity to adjacent recreation facilities and public open space;
- f) Development and maintenance costs.

Grading and seeding of the proposed park site prior to the assumption by the Municipality shall be negotiated with the subdivider or developer as part of the subdivider or developer's agreement.

## **2.10 INSTITUTIONAL**

2.10.1 Where specified as permitted uses in a land use designation, institutional uses may be permitted provided that such uses are deemed compatible with existing and planned development.

2.10.2 Institutional uses generally comprise those of a public authority or non-profit organization. They include schools, churches, nursing homes, rest homes, day-care centres, quarters of community organizations and clubs, indoor recreation facilities, community centres, and government buildings. A funeral home may also be considered as an institutional use.

2.10.3 A separate zoning category will be established in the Zoning By-law to identify the full range of institutional uses permitted and the appropriate development regulations regarding these uses.

2.10.4 Proposals for institutional uses shall meet the following criteria:

- a) Facilities and services: Existing or proposed municipal services (including potable water supply, sanitary sewage collection and treatment, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate (ie. uncommitted reserve capacity available) to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standards.
- b) Off-street parking: Adequate off-street parking shall be provided in accordance with the Zoning By-law.
- c) Adjacent and surrounding land use: Adequate buffering and landscaping shall be provided to eliminate or reduce any negative visual impact on neighbouring uses.

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

## 2.11

### **LAKESHORE RECREATION**

#### **BACKGROUND**

The “Lakeshore Recreation” designation applies to those sections along the Lake Erie shoreline that are considered suitable for outdoors recreational uses and seasonal residential development. Seasonal residential development shall be defined as one or more single household dwellings that are not used or intended for continuous habitation or as a permanent residence. The recreation capability of the shoreline is ranked, for the most part, moderate low to moderate by the Canada Land Inventory, due in large part to the presence of high bluffs which make access to the water’s edge extremely difficult. Nevertheless, the shoreline has proved to be a desired location for outdoor recreation uses, and a certain amount of residential development. Additional recreation-related development of the shoreline area is considered desirable in certain areas provided adequate protection against natural hazards, particularly shoreline and gully erosion, and incompatible uses, is provided for.

#### **GOALS**

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

2.11.1 Within the areas designated “Lakeshore Recreation” on Schedule “A”, the primary use of land shall be for outdoor recreation uses and activities as well as uses which are attracted by the scenic character and recreational opportunities of the area. Uses permitted include recreational campgrounds and travel trailer parks, golf courses, boating and marina facilities, tourist retail and service establishments, seasonal residential and parks and conservation areas.

2.11.2 The following criteria shall be used to evaluate proposals for the uses permitted in areas designated “Lakeshore Recreation” on Schedule “A”:

- a) Site characteristics: Lands proposed for development should be well-drained, stable sites with inherent natural features such as tree cover, variable topography, appealing views and access to the lake. Where sites are proposed which are lacking in natural amenities and features, measures may be required to enhance the natural character of these sites. Creative site design in harmony with the natural characteristics of the lands proposed to be developed will be expected.
- b) Adjacent and surrounding land use: The proposed use shall be compatible with existing or proposed neighbouring land uses. Where necessary or desirable, the



proposed use shall be adequately buffered from neighbouring land uses by the provision of adequate setbacks and/or screening. A minimum separation distance between the proposed use and any existing livestock operation as determined by the Minimum Distance Separation Formulae shall be required.

- c) Vehicular access: Vehicular access shall be available or made available from a public highway or public road (preferably a provincial highway or county road) of reasonable construction and maintenance shall be subject to the approval of the authorities having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection.
- d) Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lot proposed to be used or created shall be adequate for the use being proposed. In no case shall lots be created which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
- e) Services: Existing or proposed services (including methods of potable water supply, sanitary sewage treatment and disposal, solid waste disposal, electric power, and roads) shall be adequate to serve the proposed use subject to the approval of the authority having jurisdiction. If these services or facilities are deemed inadequate, the Municipality may require an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
- f) Storm drainage: Adequate provision for stormwater quality management, storm drainage and surface runoff shall be provided. The Municipality may require the submission of a “grading plan” to ensure surface runoff does not adversely affect neighbouring properties.
- g) Zoning: All outdoor recreation uses shall be zoned and regulated by the use of a separate zone classification in the Zoning By-law. In no case shall lands be used, or buildings or structures erected which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
- h) Seasonal residential: A seasonal residential community shall be defined as a cluster of single household dwellings that are not used or intended for continuous habitation or as a permanent residence. The provision of services such as road maintenance, fire protection, police protection, school busing shall be satisfactory for seasonal occupancy subject to the approval of the authority having jurisdiction.
- i) Site plan: A site plan, satisfactory to the Municipality, indicating the proposed building area, existence of natural features, existing land uses, neighbouring land uses, ingress and egress, parking areas and layout, on-site landscaping, and services shall accompany every proposal.

### 2.11.3

In addition to the criteria of Section 2.11.2, the following specific provisions shall apply to the establishment of new or expanded campgrounds and trailer parks.

- a) Demand for additional facilities: A marketing and impact study, prepared by suitably qualified persons, shall accompany every proposal for the establishment of a campground or trailer park or a major expansion to an existing one. The study

shall demonstrate the need for the additional or expanded facility, as well as the impact of the proposed or expanded existing facility on neighbouring facilities.

- b) Licensing by-law: The proposed facility or expanded existing facility shall be designed and developed in a manner which is capable of meeting the licensing requirements of the Municipality where such licensing by-law has been enacted.

2.11.4 In recognition of the public interest in gaining access to Lake Erie, the Municipality will support the efforts of other government bodies to provide increased public access to the Lake. Wherever possible and practical, the Municipality may, as a condition of development, require that certain lands be reserved for public access.

2.11.5 Until such time as a proposal is submitted and found acceptable to the Municipality in accordance with the policies of this section, lands designated “Lakeshore Recreation” may remain zoned Agricultural (A1) in the Zoning By-law, and the policies of this Plan which governs such zoning, namely, those of the “Agriculture” area (Section 2.1), shall apply as if these lands were within the “Agriculture” area designated on Schedule “A”.

2.11.6 The lands designated as “Special Policy Area No. 2 - Port Talbot” on both sides of Talbot Creek in Lot 23, Lot 24 and Lot A in Concession XI and Concession XII, as shown on Schedule “A” to this plan, may be used for the purposes of establishing an integrated recreational-residential-resort community accessible to the general public (hereafter referred to as Port Talbot) subject to the following policies:

- a) Prior to the passage of any implementing zoning by-law and/or the approval of any plan of subdivision or condominium, the developer shall prepare a secondary plan(s) in consultation with the Municipality and affected provincial agencies. The secondary plan(s) shall be subject to the approval of the affected provincial agencies, adopted by the Municipality and, contain the following information:
  - i) Design population of the community;
  - ii) Location, type and intensity of uses;
  - iii) Method of potable water supply, sanitary sewage treatment and disposal, and stormwater quality and quantity management. Potable water supply, sanitary sewage treatment and disposal, and stormwater quality and quantity management shall be provided by means of a publicly owned and operated water supply system and sewage collection, treatment and disposal system which is located, designed and constructed to the satisfaction of the Ministry of the Environment. Individual on-site private sanitary sewage treatment and disposal systems (i.e. septic tanks and tile beds) will be discouraged. However, the Municipality for pockets of single-detached residential development and low wastewater generating non-residential uses where connection to the public systems is not feasible due to topographic constraints or phasing considerations may permit them. In these instances, the developer will be required to submit supporting hydrogeological and geotechnical studies and obtain the necessary approvals from the applicable approval authority including, but not necessarily limited to, the Ministry of the Environment and/or the Elgin-St. Thomas Health Unit. All stormwater

quality/quantity management plans shall be subject to the approval of both the Lower Thames Valley Conservation Authority and the Ministry of the Environment.

- iv) Detailed mapping of all hazard land boundaries including preparation of a floodplain study. All such mapping and studies shall be subject to the approval of the Ministry of Natural Resources and the Lower Thames Valley Conservation Authority.
  - v) Identification of all endangered species habitat, significant archaeological, historical, architectural and natural heritage resources/features as documented in the “The Talbot Estate Feasibility Study” along with policies and/or measures for their protection, preservation and/or restoration. These components shall be subject to the approval of the Ministry of Citizenship, Culture and Recreation, and the Ministry of Natural Resources.
  - vi) Detailed mapping of the boundaries of the Areas of Natural and Scientific Interest, as documented in “A Life Science Inventory of the Talbot Creek Areas of Natural and Scientific Interest: Part 1” along with measures for their protection, subject to the approval of the Ministry of Natural Resources.
  - vii) Tree saving measures for the Founders and East Woodlots subject to the approval of the Ministry of Natural Resources.
  - viii) Road access to Fingal Line (County Rd. No. 16) subject to the approval of the County Engineer.
  - ix) Road standards and network plans subject to the approval of the Municipality of Dutton/Dunwich.
- b) The secondary plan may be prepared in three phases subject to each phase containing the information required under clause a) above. One phase may cover lands east of Talbot Creek and south of Fingal Line (County Rd. No. 16); a second may cover lands north of Fingal Line (County Rd. No. 16); and, a third may cover lands west of Talbot Creek and south of Fingal Line (County Rd. No. 16). Any phasing of the road and servicing plans shall be undertaken such that the phase is compatible with and able to be incorporated into the overall road and servicing system for the subject lands.
- c) All residential uses, other than single detached dwellings, shall be subject to Section 8.3 - Site Plan Control Policies of this Plan.

## **3.0 DUTTON BEACH**

### **BACKGROUND**

This section applies to the seasonal residential community of Duttona Beach situated in the south half of Lot 6, Concession X on the Lake Erie shoreline. This area was the subject of a comprehensive amendment to the West Elgin Official Plan, Amendment No. 14, adopted on 24 May 1984 and approved by the Minister of Municipal Affairs and Housing on 14 August 1984.

The amendment was necessitated by the decision of the Ontario Municipal Board on the Municipality's first comprehensive Zoning By-law enacted in 1979. The Board approved, for a limited time, the proposed zoning of lands in Duttona Beach on the condition the Municipality would establish more appropriate zoning controls within the spirit and intent of the West Elgin Official Plan which designated Duttona Beach as a "Recreation Hamlet".

### **3.1 SEASONAL RESIDENTIAL**

- 3.1.1 Within the area designated "Seasonal Residential" on Schedule "C", the primary use of land shall be for low density cottage type dwellings (excluding however mobile homes) intended for use on an seasonal basis. Consequently, the provision of municipal services (including but not necessarily limited to year round road maintenance and garbage collection) may be limited by the Municipality.
- 3.1.2 In view of the small lot size characteristics of the area designated "Seasonal Residential" on Schedule "C" and the resulting difficulty in establishing conventional on-site sanitary waste disposal systems, the Municipality shall maintain By-law No. 83-09, a by-law which prevents the sale of abutting registered lots held in the same name and title, in full force and effect.
- 3.1.3 Where an existing dwelling has been destroyed or partially destroyed by natural causes, reconstruction of the dwelling to the same basic dimensions shall be permitted provided:
- a) The requirements of the authority having jurisdiction with respect to sanitary sewage disposal and the location of water wells are complied with;
  - b) Reconstruction is limited to wood frame dwellings without basements or masonry veneer in areas which may be subject to slope instability, erosion, flooding or inundation in order to facilitate the relocation of the said dwellings if required;
  - c) Greater compliance with the requirements of the Zoning By-law wherever practical and feasible is achieved.
- 3.1.4 Proposals for the erection of new or the expansion of existing cottage dwellings will be evaluated on the basis of the following:

- a) Adequacy and availability of a potable water supply;
- b) Adequate methods of on-site sanitary waste disposal subject to the approval of the authority having jurisdiction;
- c) Compliance with the requirements of the Zoning By-law;
- d) Site development in harmony with the natural site characteristics and amenities (e.g. tree cover, topography, views);
- e) Method and direction of run-off of surface drainage including potential effects on adjoining lands.

### **3.2 PARKLAND**

- 3.2.1 Within the area designated as “Parkland” on Schedule “C”, the primary use of land shall be for outdoor recreation purposes with the exception of camping. Buildings and structures accessory to outdoor recreation uses shall be permitted. The use of these lands for purposes of establishing water wells or sanitary waste disposal tile field systems shall also be permitted.
- 3.2.2 The lands designated as “Parkland” are in private ownership. Such designation does not imply that these lands will remain as parkland nor shall it be construed as implying that these areas will always be free and open to the general public or will be purchased by the Municipality or any other public authority. If a proposal is made to develop any such lands and the Municipality, as implying that these areas will always be free and open to the general public or will be purchased by the Municipality or any other public authority. If a proposal is made to develop any such lands and the Municipality, cottage owners, or the appropriate public authority does not wish or is unable to purchase the lands in question for park purposes, the Municipality may re-designate the said lands for development purposes.

### **3.3 CAMPING**

- 3.3.1 Within the area designated as “Camping” on Schedule “C”, the primary use of land shall be for developing and maintaining a seasonally occupied recreational campground/trailer park facility.
- 3.3.2 All services to the users of the campground/trailer park facility in the designated “Camping” area shall be provided at the sole risk and expense of the operator.
- 3.3.3 The Municipality may, pursuant to the Municipal Act, pass a by-law providing for the licensing of campground/trailer park facilities. The by-law shall prescribe the conditions under which a license may be obtained and remain valid including the specific responsibilities of the operator.

### **3.4 ENVIRONMENTAL PROTECTION**

- 3.4.1 Within the areas designated as “Environmental Protection” on Schedule “C” lands are considered susceptible or potentially susceptible to flooding, erosion, inundation, or slope instability. As a result, these areas are intended to be maintained in their natural state, free and clear of any buildings or structures (other than those of a flood or erosion control nature) and used primarily for outdoor recreation purposes such as nature appreciation and beach related activities.
- 3.4.2 When a proposal is made to develop lands within the area designated as “Environmental Protection”, the Municipality will seek the advice and assistance of the Lower Thames Valley Conservation Authority and may require the proponent to prepare and submit studies by appropriately qualified persons describing and evaluating:
- a) The degree of existing or potential physical hazards;
  - b) The potential impact of these hazards on the proposed building or structure;
  - c) The proposed methods by which these impacts may be overcome in a manner consistent with accepted resource management practices and engineering techniques; and
  - d) Adequate building setbacks in relation to the kind, extent, and severity of both the existing and potential hazard.

### **3.5 DEVELOPMENT CONTROL**

- 3.5.1 The actual uses permitted within the areas designated on Schedule “C” will be specified in and regulated by the Zoning By-law. A number of separate zone categories may be used to ensure land use compatibility and appropriate standards of development. For each zone, the By-law will include, as appropriate, regulations regarding the type of construction, minimum lot area and lot frontages, yard requirements, maximum lot coverage and similar development controls.
- 3.5.2 The use of large blocks of undeveloped land designated “Seasonal Residential” and which are therefore considered potentially suitable for seasonal dwellings provided proper care is taken in the siting of dwellings and on-site services, shall be restricted due to their environmental sensitivity until such time as satisfactory plans, as required under Section 41 of the Planning Act, have been submitted and approved by the Municipality. The development restrictions may be effected by the use of a holding zone symbol in accordance with Section 36 of the Planning Act. Removal of the holding provisions shall be accommodated by an amending by-law in accordance with the provisions of Section 36 of the Planning Act. Removal of the holding provisions shall also occur only after Council has been satisfied that all conditions or criteria under Section 41 of the Planning Act, have been fulfilled in addition to the following plans. These plans, to be drawn at a scale not less than 1:100, shall identify the proposed building site, contours at 0.5 m intervals, proposed grading and drainage, location of on-site services (namely water supply and sanitary waste disposal systems), and location of access driveways. In the interim, the lands in the holding zone are to remain in their undeveloped, natural state.

### **3.6            SERVICES**

- 3.6.1            The primary means of providing water supply and sanitary sewage disposal shall be by on-site systems. Privately operated and maintained communal water supply and sanitary sewage systems approved by the Elgin-St. Thomas Health Unit and/or the Ontario Ministry of Environment shall also be permitted. Development requiring the establishment of a municipally-owned and operated water supply or sanitary sewage system, or the use of holding tanks whereby the Municipality would be required to assume responsibility for the proper and continued disposal of sanitary waste, will be discouraged by the Municipality.

## 4.0 HAZARD LANDS

### 4.1 BACKGROUND

“Hazard Lands” are those areas normally associated with the Thames River and its tributaries and the Lake Erie shoreline and the streams and gullies flowing into it, which as a result of their susceptibility to flooding, erosion, subsidence, slumping, inundation; or as a result of the presence of steep slopes or organic or poorly drained soils, are considered hazardous or potentially hazardous to development.

### GOAL

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

4.1.1 Within the areas shown on Schedule “A” as “Hazard Lands”, the Municipality will seek the advice of the Lower Thames River Conservation Authority on the following matters before permitting any building, structure or additions thereto:

- a) The degree of existing or potential physical hazards including, the effect of erosion on the proposed development, and the effect of the proposed development on erosion;
- b) The potential impact of these hazards on the proposed building or structure;
- c) The proposed methods by which these impacts may be overcome in a manner consistent with accepted resource management practices and engineering techniques; and
- d) Adequate building setbacks in relation to the kind, extent, and severity of both the existing and potential hazard.

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

- a) Development within the *defined portion of a dynamic beach*, or in areas which will initiate or increase existing flooding hazards, erosion rates, or dynamic beach processes along areas of the *Flood plain*, valley walls and Lake Erie shoreline will not be permitted.
- b) On the Lake Erie shoreline, the approval of the Ministry of Natural Resources will also be secured before Council gives favourable consideration to any shoreline-related development.
- c) Vehicular and pedestrian mobility to and from sites within the “Hazard Lands”



designation must be ensured during times of emergency (ie. flooding, erosion etc.)

- d) No new development of buildings or other structures will be permitted on the toe of slope if it is unstable and susceptible to erosion. Slope stabilization measures shall be undertaken in accordance with the advice of the Lower Thames River Conservation Authority.
- e) No development involving institutional uses, *essential emergency services*, or involving the disposal, manufacture, treatment, or storage of hazardous substances will be permitted.

#### 4.1.2.1 Docks and Waterfront Structures:

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

- a) Be subject to the approval of the Lower Thames River Conservation Authority;
- b) Be designed, constructed and maintained in a manner which contributes to the amenity of the Municipality;
- c) Be capable of withstanding damaging storms, ice and high water conditions;
- d) Not contain sanitary facilities unless connected to municipal sewers;
- e) Be located so as not to interfere with navigation or aids to navigation;
- f) Be constructed and placed so as to minimize the impact on natural vegetation and topography;
- g) Not contain any residential accommodations.

#### 4.1.3 Lake Erie Shoreline:

The Lake Erie shoreline area is a strip of land immediately adjacent to Lake Erie that is influenced by *flooding*, *erosion*, and *dynamic beach* hazards and may present a hazard to any structures within this area. For the purpose of the Official Plan the “Hazard Lands” will begin at the furthest landward limit of these three shoreline hazards.

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

$$\text{100 yr. flood level} + \text{15 metres (engineered flood allowance for wave uprush and other water related hazards)}$$

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

$$D = 3h + 100r \text{ (or) } 30 \text{ metres (whichever is greater)}$$

where:

D = Setback (metres) measured from toe of bluff

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

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

100 = Constant representing 100 years of protection

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

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

$$\text{Flooding hazard limit as determined by subsection 4.1.3 a)} + \text{Dynamic beach allowance of 30 metres}$$

- d) The policy of this Official Plan is to allow structures within this area only if the erosion at the building site in question has been decreased to zero by a stabilization project. Such stabilization project must be:
- i) Designed and supervised by a registered Professional Engineer;
  - ii) Approved by the appropriate Conservation Authority, Municipal Council and the Ministry of Natural Resources.
- e) In some cases, buildings and structures may be erected closer to the waterline than the distance calculated through the application of the formula in subsection 4.1.3 a) of this Plan. Such buildings and structures may be associated with water-related uses such as marinas, docks and boathouses, and in all cases, the erection or expansion of all such buildings and structures shall be subject to the approval of the appropriate Conservation Authority.
- f) For areas that are exposed to the 1:100 year lake level and wave uprush as defined by the Ministry of Natural Resources, new development, and additions to, or relocations of existing structures, shall incorporate floodproofing measures and shall be subject to the approval of the Municipal Council, Ministry of Natural Resources and the appropriate Conservation Authority.

#### 4.1.4

##### Valley Walls and Top of Bank:

- a) Valley walls and banks adjacent to the actual *flood plain* or *valleylands* system in the “Hazard Lands” designation may be subject to erosion or instability due to soil

and slope characteristics. In many cases, these lands also possess unique physical features that further warrant their preservation.

- b) Valley walls and the top of bank shall be considered to extend from the flood plain to a distance of 30 metres from the top of bank of all flood plain areas. Valley walls are the area of lands between the watercourse and the top of bank. The top of bank is defined as the highest point of the valley walls as determined by a 3:1 (run:rise) elevation, which begins 15 metres back from the toe of bank of the watercourse.
- c) Lands within the valley walls and top of bank areas are intended primarily for the preservation of the natural landscape. Such uses as agriculture, outdoor recreation, nursery gardening, forestry, public or private parks, or other outdoor recreation functions, may be permitted.
- d) The erection of buildings, grading, or any other construction may be undertaken in this area provided that:
  - i) Engineering reports are prepared at the cost of the owner/applicant to ensure that the proposed construction will not be endangered by possible erosion or land slippage and that adequate tableland exists to ensure proper sewage servicing.
  - ii) The development is compatible with the natural landscape and does not adversely alter the valley features or result in extensive clearing of wooded areas.
  - iii) Written permission is received from the appropriate Conservation Authority and the Ministry of Natural Resources.

4.1.5 Subject to Section 4.1.1 and 4.1.2, the uses permitted in the “Hazard Lands” areas shall be the same as those permitted in the underlying designated area (e.g. “Agriculture”, “Restricted Agriculture”, “Aggregate Resources”).

4.1.6 The Zoning By-law shall regulate development in “Hazard Lands” areas by such measures as establishing appropriate setbacks for buildings and structures on permanent foundations from municipal drains, natural watercourses and the Lake Erie shoreline. The setbacks established in the By-law may vary based on the following conditions:

- a) Distance between the top-of-bank and top-of-bank;
- b) Width of a natural watercourse under normal flow conditions;
- c) Rate of erosion.

4.1.7 Where the subdivision of a parcel of land is proposed, part of which is identified as “Hazard Lands”, then such lands may not necessarily be acceptable to the Municipality as part or all of the dedication requirement for public park purposes under the Planning Act. All lands dedicated shall be conveyed in a physical state satisfactory to the Municipality.

- 4.1.8 Whenever any flood control or other works are undertaken or more detailed surveys and mapping are available which result in significant changes to the areas identified as “Hazard Lands”, such changes shall be incorporated by way of amendment to this Plan.
- 4.1.9 Alterations or disturbances to natural watercourses are subject to the provisions of the Lakes and Rivers Improvement Act, administered by the Ontario Ministry of Natural Resources and the Alteration to Waterway Regulation of the appropriate Conservation Authority. Prior to the approval by the Ministry or the Conservation Authority of any proposed alteration or disturbance, the Municipality may advise the Ministry or the Conservation Authority of any potential environmental or land use impacts resulting from the proposed alteration or disturbance. In addition, any alteration or disturbance to a watercourse for the purposes of damming and/or diversion will require a Permit To Take Water (PTTW) as issued by the Ministry of Environment.
- 4.1.10 The placement or removal of fill within the “fill” lines established by the appropriate Conservation Authority shall only occur with the expressed written approval of the Ministry of Environment and/or the Conservation Authority, as the case may be.
- 4.1.11 The identification of lands as “Hazard Lands” is not intended to be construed that these lands are necessarily open and accessible to the general public or that these lands will be acquired by the Municipality or some other public authority due to their limited use potential and the development restrictions which apply to them.
- 4.1.12 Lands that may be subject to periodic flooding within the area shown on Schedule “B”, the Future Land Use Plan for Dutton, comprise those primarily associated with the Brown Drain. The Zoning By-law shall be used to regulate development adjacent to these drains by establishing appropriate setbacks for buildings and structures to prevent potential loss of property and to facilitate maintenance.
- 4.1.13 The placing or removal of fill of any kind, whether originating on the site or elsewhere, within the immediate vicinity of the Brown Drain in Dutton shall be at the discretion of the Municipality, the Ministry of Environment and/or the Conservation Authority, as the case may be.

## 5.0 HERITAGE RESOURCES

### BACKGROUND

This section of the Official Plan expresses the goal and policies of the Municipality regarding its *significant built heritage resources* and *cultural heritage landscapes*, as well as its *natural heritage features and areas*. The Municipality recognizes the value of these resources and the need to protect them wherever possible. Schedule “A” delineates known areas of natural and cultural heritage.

### GOAL

To protect and enhance the cultural and natural heritage resources of the Municipality.

### 5.1 CULTURAL HERITAGE

- 5.1.1 The Municipality recognizes and supports the provincial and local interest in the protection of its buildings, structures, and sites exhibiting significant architectural, archeological, historical, natural, or scenic interest.
- 5.1.2 The Municipality will encourage the identification, protection, restoration, conservation, enhancement, and maintenance of its cultural heritage resources. All development permitted by the land-use policies and designations of this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans, or document those resources before development.
- 5.1.3 The Municipality will encourage the use, development, and redevelopment of both publicly and privately owned land that will respect the heritage resources of the municipality. The Municipality will encourage the development of a built environment that incorporates and utilizes heritage features wherever feasible.
- 5.1.4 In the improvement of existing roads and in the construction of new ones, the Municipality will endeavor to eliminate any detrimental impacts on heritage resources, especially on the aesthetic and scenic character of the rural landscape. Rather, the planting of trees and the protection of existing ones along highways and roads shall be encouraged and scenic vistas maintained and enhanced except where such efforts are a potential threat to public health or safety.
- 5.1.5 In all areas of the municipality, the Municipality will ensure that care will be taken to preserve mature trees and other vegetative amenities. The preservation of woodlots, landmark trees, and tree lines shall be a consideration in evaluating development proposals.
- 5.1.6 The Municipality will encourage those measures that enhance the character and visibility of heritage resources.
- 5.1.7 The Municipality will seek to protect its heritage resources first and foremost through the co-operation and with the concurrence of affected property owners and secondly, through the use of such means as designation under the Ontario Heritage Act, acquisition, conservation

easements, subdivider's agreements, restrictive covenants, and participation in heritage improvement programs subject to the availability of its resources. Furthermore, the Municipality may amend its Zoning By-law to ensure that the use of land and the erection or enlargement of buildings and structures complements, and is sympathetic to the location, height, form, and character of heritage resources wherever practical.

A Local Architectural conservation Advisory Committee (LACAC) may be established pursuant to Section 28 of the Ontario Heritage Act to advise and assist Council on matters related to Parts IV and V of the Act. In addition, heritage advisory committees may also wish to advise and assist Council on other matters of cultural heritage conservation.

- 5.1.8 The Municipality will identify any development applications that will impact areas containing registered archaeological potential. Development on lands containing significant archaeological resources shall avoid the destruction or alteration of these resources. Where this is not possible, the development proponent shall conserve significant archaeological resources through the removal and documentation in advance of any land disturbances, and in accordance with archaeological licensing provisions of the Ontario Heritage Act.
- 5.1.9 The Municipality may prepare and maintain an inventory of cultural heritage resources within the Municipality.

## **5.2 NATURAL HERITAGE**

- 5.2.1 The Municipality shall endeavour to recognize the *natural heritage features and areas* of the Municipality and protect them from incompatible development. Natural Heritage resources include *wetlands, habitat of endangered or threatened species, fish habitat, woodlands, valleylands, wildlife habitat, and areas of natural and scientific interest (ANSI=s)*.
- 5.2.2 The Municipality of Dutton/Dunwich shall adopt and implement the terms of Section 2.3 of the Provincial Policy Statement.
- 5.2.3 Municipal Council shall encourage the designation of *natural heritage features and areas* in order to increase diversity, connectivity and physical area of the natural heritage land throughout the Municipality.
- 5.2.4 Municipal Council shall discourage *development and site alteration* on, or adjacent to *natural heritage features and areas*.
- 5.2.5 Municipal Council shall implement the natural heritage policies of this Plan through participation in provincial and federal programs related to natural heritage conservation.
- 5.2.6 In addition to promoting co-operation with individual property owners in the preservation of natural heritage resources, Municipal Council shall also give consideration to the effects of public works on natural heritage resources in the municipality.
- 5.2.7 *Development or site alteration* will not be permitted in *significant wetlands or significant*

*portions of the habitat of endangered and threatened species.* Development or site alteration on, or adjacent to, any other *natural heritage feature or area*, will require written approval from Municipal Council, who may consult with the appropriate conservation authority and/or the Ministry of Natural Resources regarding any such development proposals.

- 5.2.8 The Municipality of Dutton/Dunwich shall adopt and implement the recommended distances for defining lands adjacent to a significant wetland or a portion of the habitat of endangered and threatened species, as stated in the Ministry of Natural Resources' Natural Heritage Reference Manual as updated from time to time.

Where development is proposed on lands adjacent to a significant wetland or a significant portion of the habitat of endangered species, an Environmental Impact Statement shall be undertaken to a professional standard and approved by the Municipality. It shall address the following:

- a) A description of the development and its purpose, the nature and duration of the potential impacts to the site, adjacent lands and ecological processes, as well as the cumulative effects of the proposed development.
- b) A description and statement of the rationale for the development, and alternative methods of carrying out the development.
- c) A description of:
  - i) The environment including ecological processes, that will be affected or that might reasonably be expected to be affected;
  - ii) The effects that will be caused or that might reasonably be expected to be caused to the environment, including ecological processes; and,
  - iii) The actions that are necessary or that may reasonably be expected to be necessary to prevent, change, mitigate, or remedy the effects upon the environment, including ecological processes, from the development.

- 5.2.9 Municipal Council may utilize any of the following planning tools to promote or preserve natural heritage resources in the municipality:

Conditions of consent and subdivision approval and consequent agreements;

Provisions related to site plan control; and,

Standards, definitions and regulations in the Zoning By-law.

- 5.2.10 Council shall circulate all development plans to the appropriate authority, under the One-Window Protocol, for their review and comments on any potential natural heritage significance the lands subject to the development may have.

- 5.2.11 The Municipality may prepare and maintain an inventory of natural heritage resources within the Municipality.

## **6.0 COMMUNITY IMPROVEMENT**

### **6.1 BACKGROUND**

This section of the Plan contains the goals, objectives and policies of the Municipality relating to community improvement. This section pertains only to those areas of the municipality designated as “Community Improvement Areas”. The term community improvement has been defined as encompassing “...all those activities both public and private, which maintain, rehabilitate, and redevelop the existing physical environment to accommodate the social and economic priorities within the community”. Provisions relating to community improvement are a pre-requisite for participation by the Municipality in certain provincially sponsored improvement programs designed to financially assist municipalities in these undertakings.

The areas designated as “Community Improvement Areas” in this section are those areas of the Municipality that have been identified as exhibiting the greatest deficiencies in municipal services and facilities (e.g. water mains, sanitary and storm sewers, streets, sidewalks, parks and recreation facilities). By identifying these areas, by establishing appropriate objectives and the means by which improvements will be undertaken, and by integrating the concept of community improvement within the overall planning framework of the Municipality, the benefits resulting from improvement projects are expected to have greater impact.

#### **GOAL**

To improve the designated hamlets and village of the Municipality in a manner which enhances their role and attraction as rural service centres, and which ensures an acceptable and cost-effective standard of municipal services and facilities.

#### **POLICIES**

6.1.1 In the context of the expressed community improvement goal, the following more specific objectives will be pursued:

- a) To improve deteriorating or otherwise substandard on-site services (e.g. water supply, sanitary waste disposal), municipal services, public utilities, and social and recreation facilities;
- b) To encourage the rehabilitation and maintenance of substandard housing and commercial properties;
- c) To encourage the demolition or removal of buildings and structures in a derelict or unsafe condition where rehabilitation is neither economically feasible nor practical;
- d) To eliminate or at least effectively reduce land use conflicts and incompatibilities;
- e) To enhance the physical appearance and character of the built environment;
- f) To encourage the efficient use of vacant or underutilized parcels of land.



- 6.1.2 The delineation of “Community Improvement Areas” will be based on a consideration of the following criteria:
- a) Deficiencies in municipal services and facilities, in particular water supply, streets, street lighting, storm drainage, sidewalks, parks and public recreation facilities;
  - b) Existence of a significant number of residential and commercial properties which are in need of demolition, rehabilitation, or maintenance;
  - c) Existence of conflicting or incompatible land uses;
  - d) Unattractive or unappealing visual character and image;
  - e) Existence of vacant or underutilized parcels of land that exhibit a development potential.
- 6.1.3 The area designated as a “Community Improvement Areas” comprise the entire Village of Dutton as shown on Schedule “B”, and the designated hamlet areas of Iona, Iona Station and Wallacetown as shown on Schedule “A” to this Plan. Community improvements have been determined to be both necessary and desirable in these areas as per the application of the criteria set out in Section 6.1.2.
- 6.1.4 Within the “Community Improvement Areas”, the Municipality may by by-law, designate a “Community Improvement Project Area” and prepare a “Community Improvement Plan” within the meaning of the Planning Act. These plans will identify specific improvement projects to be undertaken, their estimated cost, and the period during which they will be undertaken. Opportunities will be provided for public input in the preparation of the plan, prior to its adoption by Council.
- 6.1.5 Once a “Community Improvement Plan” has been approved, the Municipality may undertake community improvements in accordance with the plan. In undertaking these improvements, the Municipality may contract, repair, rehabilitate, or improve buildings on land acquired or held by it; sell, lease or otherwise dispose of any such building and land appurtenant thereto; or make grants or loans to the owners of land and buildings to assist in the rehabilitation of such land and buildings in conformity with the “Community Improvement Plan”.
- 6.1.6 The Municipality will enforce its Property Maintenance and Occupancy Standards By-law within the “Community Improvement Areas” to ensure an acceptable standard of property maintenance and building conditions.
- 6.1.7 To the extent its financial resources and priorities permit, and in order to reduce the financial impact of community improvement on its ratepayers, the Municipality will participate in programs of the provincial and federal government to achieve its community improvement objectives.
- 6.1.8 The Municipality may participate in federal and provincial housing programs aimed at assisting homeowners in the upgrading of substandard housing conditions.
- 6.1.9 The Municipality will endeavor to maintain all municipally owned land and facilities in the

“Community Improvement Areas” to an acceptable standard and will encourage other public bodies and agencies to do likewise.

- 6.1.10 The Municipality will attempt to eliminate or at least effectively reduce land use conflicts or incompatibilities by seeking the co-operation of affected property owners, by the relocation of these uses to more suitable areas, by strict controls on the expansion of these uses, and by encouraging changes to more compatible uses.
- 6.1.11 Priorities for community improvement will be established on an annual basis namely through the municipal budgeting process and upon consideration of the following:
- a) The extent to which the Municipality is able to allocate funds for community improvement given other municipal priorities and financial resources;
  - b) The logical sequence of undertaking improvements;
  - c) The nature and availability of federal and provincial programs, grants, and subsidies that would reduce the financial impact of community improvements on the Municipality;
  - d) The type and degree to which deficiencies exist;
  - e) The probable impact that public expenditure will have on inducing rehabilitation and improvements to privately owned property;
  - f) Petitions and input from affected residents and property owners;
  - g) In the event of an emergency situation or a newly identified deficiency, priorities may be reevaluated.

## **7.0 TRANSPORTATION, SERVICES, & UTILITIES**

### **7.1 HIGHWAYS AND ROADS**

- 7.1.1 Public highways and roads are designated as “Provincial Highways”, “County Roads” or “Municipal Roads” on Schedule “A”, Schedule “B”, and Schedule “C”. The primary function of “Provincial Highways” is to move relatively large volumes of traffic at relatively high speeds through and within the Municipality, while the primary function of “Municipal Roads” is to provide direct access to abutting property and to minimize through traffic. “County Roads” are intended primarily for collecting traffic from “Municipal Roads” and distributing it to “Provincial Highways”.
- 7.1.2 Development along “Provincial Highways” and “County Roads” which would detract from their primary traffic function will be discouraged.
- 7.1.3 Minimum setbacks from “Provincial Highways”, “County Roads” and “Municipal Roads” may be further regulated by the Municipality’s Zoning By-law and/or by the appropriate road authority.

### **7.2 SERVICES AND UTILITIES**

- 7.2.1 Water supply reservoirs, sanitary waste treatment plants, sewage lagoons, and landfill sites will generally be permitted in areas designated “Agriculture” or “Restricted Agriculture” subject to the approval of the authority having jurisdiction. Any proposals for such development within any other designation will be subject to an Environmental Assessment by the authority having jurisdiction.
- 7.2.2 Water lines, sanitary and storm sewers, gas lines, telephone lines, communication towers and similar transmission systems including related facilities (such as pumping stations, and compressor stations) shall be permitted in all land use areas subject to the following criteria:
- a) Agricultural land (as defined in Section 2.1.3) and woodlands are avoided wherever possible;
  - b) Designated “Hamlet” areas are avoided where such transmission systems or related facilities would have a significant visual impact;
  - c) Design and maintenance is in general harmony with the character of the area within which the facilities are located;
  - d) Site landscaping and buffering is undertaken and maintained where deemed appropriate;
  - e) All relevant provisions of the Zoning By-law are complied with.

Prior to undertaking or authorizing the undertaking of any of the above-mentioned utilities or related facilities in or affecting the Municipality, it is expected that the proponents will consult with the Municipality and will have due regard to the criteria established.

- 7.2.3 All existing and proposed undertakings of Hydro One, other than their buildings or land used for executive, administrative or retail purposes or held under lease or licence from Hydro One, are permitted in all land use designations without an amendment to this Plan. However, prior to carrying out or authorizing any undertaking that may directly affect the Municipality, the criteria set out in Section 7.2.2 shall be considered.

### **7.3 OIL, GAS, AND SALT RESOURCES**

- 7.3.1 The exploration for and the production of oil, gas, and salt resources including related buildings, structures, pipelines and related facilities shall be permitted in all land use designations, except in the Village of Dutton and the Hamlet designations. All exploration and production activities are to be in compliance with the Oil, Gas, and Salt Resources Act, and regulations thereto.
- 7.3.2 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 the Official Plan.
- 7.3.3 The municipality shall support the proper disposal of oil field brines, in accordance with Provincial regulations.
- 7.3.4 New development shall be set back 75 metres from existing wells; this setback being equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development. Lesser setbacks for development may be considered upon consultation with the Province. Where development is proposed adjacent to or above pools or deposits, shown on Schedule “A” as “Active Oil Reservoir” and “Active Gas Reservoir”, the Province shall be consulted regarding measures to allow possible future access for resource production purposes.
- 7.3.5 The municipality shall encourage the use of technology for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a *natural or cultural heritage area*. 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.
- 7.3.6 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.
- 7.3.7 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.

- 7.3.8 If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

## **7.4 RAILWAYS**

- 7.4.1 Where non-industrial development is proposed adjacent to the railway within the Municipality of Dutton/Dunwich, adequate buffering and security measures and setbacks will be required to eliminate any potential visual, safety, or environmental impact. In this regard, the guidelines and requirements of the Ministry of the Environment and the railway company will be taken into account.

7.4.2 a) All proposed development within 300 metres of a railway right-of-way shall be required to undertake noise studies, to the satisfaction of the municipality and in consultation with the appropriate railway. Noise studies shall be completed in accordance with provincial guidelines. The proponent shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

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

c) 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.

## **7.5 LANDFILL SITES**

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 operating landfill site unless otherwise approved by the Ministry of the Environment.

b) 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 is satisfied that only gas controls are necessary, no buildings or structures and no land uses other than agriculture and/or buffer strip shall take place within 20 metres of the perimeter of a non-operating waste disposal site.

- c) Any proposal for development within 500 metres of the perimeter of an operating or non-operating landfill site shall be accompanied by a report prepared by a qualified consultant that evaluates the presence and impact of any adverse effects or risks to health and safety and that proposes remedial action measures to the satisfaction of the Ministry of the Environment and the Municipality.
- d) Lands that have been used for a landfill site cannot be developed or redeveloped until the Minister of the Environment has issued an approval pursuant to Section 46 of the Environmental Protection Act.

## **8.0 IMPLEMENTATION AND INTERPRETATION**

### **8.1 GENERAL**

8.1.1 The goals and policies of this Plan shall be implemented by means of the powers conferred upon the Municipality by the Planning Act, the Municipal Act, the Forestry Act, the Ontario Heritage Act, and such other statutes as may be applicable. In particular, the Plan shall be implemented by the enactment of *zoning by-laws* and *property standards and occupancy by-laws*, by limiting the severing of land; by the use of site plan control; and community improvement programs.

8.1.2 Variations may be made by the Municipality to the policies of this Plan without the need for an amendment where such variations are deemed appropriate to, and necessary for, the desirable development of the Municipality provided the goals and general intent and spirit of the Plan are maintained.

### **8.2 ZONING BY-LAW**

8.2.1 The Zoning By-law shall zone land in accordance with the land use designations and policies contained within this Plan and will establish regulations to control the use of the land and location and use of buildings and structures.

8.2.2 It is not intended that all the land use areas designated on Schedules “A”, Schedule “B”, and Schedule “C” will be zoned for such uses immediately in the Zoning By-law. Rather, the use of certain lands may be restricted until such time as demand warrants and adequate services and facilities are available.

8.2.3 Some existing uses of land will not satisfy the land use designations and policies of this Plan. In recognition of these realities and to prevent undue hardship, these uses may be recognized as conforming uses in the Zoning By-law subject to the following requirements:

- a) The use does not constitute a danger or a nuisance to neighbouring uses by virtue of the activity that is engaged in, or by the traffic that it generates;
- b) The Zoning By-law will not permit any extension or enlargement of the use if such extension or enlargement may be detrimental to neighbouring conforming uses;
- c) Any change of use is as, or more, compatible with the quality and character of neighbouring conforming uses than the existing use.

8.2.4 Those existing uses of land that do not satisfy the requirements of Section 8.2.3 shall not be recognized as conforming uses. While these non-conforming uses should cease to exist in the long run, it may be desirable to permit their extension or enlargement where it is otherwise not feasible to acquire the use or relocate it to a more desirable location in conformity with this Plan. In these circumstances, it is intended that permission to extend or enlarge these non-conforming uses will take the following guidelines into consideration:

- a) That the proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use particularly in regard to the policies of this Plan and the regulations of the Zoning By-law applying to the area in which the use is located;
- b) That the proposed extension or enlargement is in appropriate proportion to the size of the non-conforming use as it existed on the date of passing of the Zoning By-law;
- c) That the characteristics of the non-conforming use and the proposed extension or enlargement with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation will not add essentially to the incompatibility of the use with the surrounding area;
- d) That neighbouring conforming uses will be protected, where necessary, by landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances caused by outside storage, manure storage or disposal, lighting, advertising signs, and other similar features. Such devices and measures shall be applied as conditions to the proposed extension or enlargement and, wherever feasible, be also extended to the existing use in order to improve its compatibility with the surrounding area;
- e) That traffic and parking conditions in the vicinity will not be adversely affected by the extension or enlargement and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions especially in proximity to traffic intersections;
- f) That adequate provisions have been, or will be made, where appropriate, for off-street parking and loading facilities;
- g) That services such as potable water supply, sanitary sewage collection treatment and disposal, storm drainage, solid waste disposal, and roads are adequate or will be made adequate.

#### 8.2.5

Where the future use of the lands referred to in Section 8.2.2 capable of being firmly established, these lands may be zoned for the future use intended by this Plan but restricted from actual development in accordance with the holding provisions of the Planning Act until such times as:

- a) A specific proposal has been submitted to the Municipality;
- b) The relevant policies of this Plan are satisfied with respect to the use being proposed;
- c) Services, where required, are of an adequate standard or have sufficient capacity to accommodate the proposed development;
- d) A plan of subdivision, where deemed necessary, has been submitted and has received draft plan approval;



- e) A site plan agreement pursuant to the Planning Act, or the Aggregate Resources Act, where required, has been submitted and approved by the Municipality; and,
- f) A satisfactory agreement, where deemed necessary, has been entered into between the Municipality and the owner/developer.

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

- g) The provisions for giving notice of the removal of “Holding Symbols” will be the same as those used for giving notice of Zoning By-law Amendments in the Municipality of Dutton/Dunwich.

### **8.3 SITE PLAN CONTROL POLICIES**

8.3.1 The following uses and areas are described as a proposed site plan control area subject to Section 41 of the Planning Act:

- a) Agriculturally related commercial and industrial uses in areas designated “Agriculture” on Schedule “A”;
- b) Commercial, industrial and institutional uses existing as of the date of adoption of this Plan;
- c) Areas designated “Hamlet” and “Lakeshore Recreation” on Schedule “A”;
- d) Area outlined as a “Site Plan Control Area” on Schedule “B”;
- e) Areas designated “Camping” and “Seasonal Residential” on Schedule “C”.

8.3.2 Within proposed site plan control areas, the Municipality may require as a condition of development the provision and maintenance of facilities to provide proper vehicular access, landscaping, tree planting, parking and loading areas, grading, external lighting and other site features and the entering into agreements with respect to the same pursuant to Section 41 of the Planning Act.

8.3.3 Within areas designated “Hamlet” and “Lakeshore Recreation”; site plan control will not be applied to residential development.

### **8.4 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS**

8.4.1 A by-law to establish minimum standards of property maintenance and occupancy in order to improve, maintain and protect existing and future development of the Municipality may be enacted. The by-law may be applicable to all properties in the Municipality and may contain, among other matters, standards with respect to:

- a) Garbage disposal;
- b) Structural conditions of buildings;
- c) Services to buildings (e.g. plumbing, heating and electricity);
- d) Maintaining properties free from refuse and abandoned or used non-operative vehicles, trailers, boats, machinery and equipment;
- e) Maintaining buildings, yards, lands, parking and storage areas;
- f) Maintaining fences, swimming pools and signs;
- g) Occupancy standards.

8.4.2 Upon adoption of a property maintenance and occupancy standards by-law, the Municipality will appoint a Property Standards Officer who will be responsible for administering and enforcing the provisions of the By-law. The Municipality will also appoint a Property Standards Committee, in accordance with the provisions of the Planning Act, for the purpose of hearing appeals against orders of the Property Standards Officer.

8.4.3 The measures to be used in achieving improved property maintenance may include an education and public relations program to show the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment. Complementary to the enforcement of standards on private properties, the Municipality will undertake to keep in a fit and well-maintained condition all municipally owned properties, structures, services and facilities.

## **8.5 REVIEW AND UPDATING OF MUNICIPAL BY-LAWS**

8.5 .1 The Municipality will review its existing by-laws and will amend where necessary these by-laws or pass new ones to ensure land use activities are properly regulated and controlled in conformity with the land use designations and policies of this Plan.

## **8.6 LAND SEVERANCES**

8 .6 .1 A land severance shall only be granted if the purpose for which the lands are to be used are in conformity with the relevant sections of this Plan pertaining to the area within which the severance is being applied. Where a land severance contravenes this Plan or the Zoning By-law, no severance shall be granted unless this Plan and/or the Zoning By-law are duly amended.

8.6.2 The policies of this Plan and the requirements of the Municipality regarding land severances may be implemented as a condition to the severance being granted or through an agreement between the Municipality and the applicant pursuant to the Planning Act.

8.6.3 A land severance shall only be granted for mortgage purposes where it would satisfy the appropriate policies of this Plan and the appropriate provisions of the Zoning By-law with

respect to the use to which the lands would be put if the mortgage is foreclosed and separate lot created.

8.6.4 The granting of a land severance for purposes of correcting or adjusting lot boundaries or to convey additional lands to an adjacent lot shall only be permitted provided:

- a) The conveyance does not lead to the creation of an undersized, irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used, and contrary to the provisions of the Zoning By-law;
- b) The lands being conveyed will be registered in the same name and title as the lands to which they are being added;

8.6.5 In the event a land severance is granted which does not conform to the policies of this Plan, the Municipality may appeal the decision to the Ontario Municipal Board.

8.6.6 The Minimum Distance Separation Formula I will be applied to any proposal to create a new lot, in a non-urban land use designation where agriculture and the keeping of livestock are a permitted use.

## **8.7 LAND USE BOUNDARIES AND LOCATION OF PUBLIC HIGHWAYS AND ROADS**

8.7.1 The boundaries of the land use designations shown on Schedule “A”, Schedule “B”, and Schedule “C” are to be considered approximate except where they are bounded by public roads, railways, streams or other similar geographical barriers in which case they shall be considered as absolute.

8.7.2 Amendments to the Plan will not be required in order to make minor adjustments to the approximate land use boundaries provided the general intent and spirit of the Plan is preserved. Such minor deviations need not be reflected on Schedule “A”, Schedule “B”, or Schedule “C”.

## **8.8 OFFICIAL PLAN AMENDMENTS**

8.8.1 Amendments to the Plan will be considered in response to changing circumstances within or affecting the Municipality, the issuance of policies and guidelines by senior levels of government which may have a bearing on existing uses or the future development of the Municipality, and in response to specific applications by interested parties.

8.8.2 Following the approval of an amendment to the Plan, copies will be made available upon request and a notice will be placed in a newspaper having general circulation in the Municipality advising that such approval has occurred and where copies of the amendment may be obtained.

## **8.9 ACCESSORY USES**

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

## **8.10 TEMPORARY USE BY-LAWS**

- 8.10.1 Notwithstanding the policies of the “Agriculture”, “Restricted Agriculture”, “Aggregate Resources”, “Hamlets”, “Highway Commercial”, “Lakeshore Recreation”, “Residential”, “Industrial”, and “Central Business District” designations, the municipality may pass Temporary Use By-laws pursuant to Section 39 of the Planning Act, to authorize the uses as established in Section 8.10.5 of the Official Plan.
- 8.10.2 As a general rule, the municipality will not allow the establishment of temporary residential uses in the “Aggregate Resources”, “Highway Commercial”, or “Industrial” designations. And for further clarity, a “Temporary Use By-law for a Garden Suite” as defined in the Planning Act shall not be deemed to conform to the Official Plan policies and designations for Aggregate Resource, Highway Commercial, and Industrial uses.
- 8.10.3 Temporary Use By-laws may be passed to allow land, buildings or structures, to be used for a period of time which shall not exceed ten years from the date of the passing of the “Temporary Use By-law for a Garden Suite” as defined in the Planning Act, or a maximum of three years from the date of passing of the Temporary Use By-laws for all other uses.
- 8.10.4 Council may grant further periods of time, not more than three years each, during which the temporary use may be allowed. Upon the expiration of the time period(s) authorized by the By-law, the uses, buildings and structures that were permitted under the By-law cannot be continued as legal non-conforming uses, buildings or structures.
- 8.10.5 Temporary Use By-laws may be passed for temporary periods, the length of which shall be determined by Municipal Council in accordance with the provisions of the Planning Act, to allow the establishment of:
- a) A mobile home or a park model home for temporary residential accommodation pending the completion of a permanent dwelling;
  - b) A mobile home or park model home in conjunction with a farm operation intended as a supplementary dwelling for farm labourers;
  - c) A mobile home or a park model home as a retirement dwelling for a farmer;
  - d) A mobile home or park model home for a family member, including but not limited to an elderly, convalescent or challenged family member who is related to a resident of a permanent dwelling on the same property. Without limiting the generality of the foregoing, such temporary residential accommodation may include a “Garden Suite” (as defined in the Planning Act), “Granny Flat” or “Portable Living Unit for Seniors” as described by the Province of Ontario;
  - e) 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.

8.10.6 Municipal Council will use the following criteria in the evaluation of applications for Temporary Use By-laws:

- a) That the proposed use is temporary in nature and will not preclude the future development or use of the site, for uses permitted by the Zoning By-law, nor will the use be difficult to terminate when the authorizing By-law expires;
- b) That the proposed use is not incompatible with adjacent land uses, and Council shall consult with property owners and any other agencies or individuals who might have knowledge of when conditions might suit the development of the property, in accordance with the Official Plan and Zoning By-law, prior to enacting a Temporary Use By-law;
- c) That the site has satisfactory and approved vehicular access to a public road and parking required by the proposed use is provided on site; and
- d) That the temporary use will be evaluated in terms of the proposed servicing, and that the use will not create or increase any servicing problems on or off the site.

8.10.7 Municipal Council may require a legal agreement between the property owner and the municipality in accordance with the Planning Act and the Municipal Act in order to regulate the placement of a temporary residential use within a self-contained, freestanding structure. The agreement should be registered on the property title and may address:

- a) The appearance of the temporary dwelling, including how it is designed and constructed;
- b) How the temporary dwelling is to be maintained;
- c) The name of the person who is to live in the temporary dwelling; and
- d) When the temporary dwelling is to be removed (for example, when the occupant moves out, or when the temporary use by-law expires).

The agreement may also require the owner of the property to post a bond, to ensure compliance with the terms of agreement.

## **8.11 BUFFERS**

8.11.1 Where conflicting land uses abut or where there is a use which may adversely affect adjacent uses, such uses and effects may be examined by the Municipality and appropriate buffering measures proposed to prevent or alleviate adverse effects. In examining such effects, the Municipality may take into consideration the noise guidelines of the Ministry of Environment.

8.11.2 “Buffers” may be defined as a feature imposed between two conflicting land uses, including transportation uses such as highways and railways, for the purpose of preventing or alleviating the adverse effects of one land use upon another. Adequate buffering measures may include open space, a berm, a wall or fence, plantings, a gradation of land uses, or

combination thereof sufficient to achieve the purposes intended.

- 8.11.3 Special consideration will be given to the adverse impacts resulting from noise, dust, vibrations and odours, and the cost-effectiveness of buffering and other measures including structural design features sufficient to overcome or mitigate these impacts. In situations where development is being proposed within close proximity of a railway, consultation with the appropriate railway authority will also be required.

**8.12 PUBLIC WORKS, CAPITAL WORKS AND PUBLIC HEALTH**

- 8.12.1 The undertaking of public works within the Village of Dutton will be carried out only if in accordance with this Plan as specified by the Planning Act.
- 8.12.2 The Plan will be used as a basis for the preparation of five-year capital works programs.
- 8.12.3 The phasing and priority of development shall be determined by the policies of this Plan and that the feasibility of installing or extending services or the adequacy of existing services shall be determining factors.
- 8.12.4 The Municipal Council may at its discretion, circulate proposed Official Plan and Zoning By-law Amendments, and land use and development proposals to the Elgin-St. Thomas Health Unit for their review and comments related to any potential public health significance.