

**OFFICIAL PLAN
OF THE
MUNICIPALITY OF BAYHAM**



ADOPTED JULY 5, 2001

APPROVED AUGUST 16, 2002

FIVE YEAR REVIEW APPROVED FEBRUARY 12, 2019

CONSOLIDATED APRIL 8, 2024

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SECTION 1 INTRODUCTION

1.1 BACKGROUND

The Municipality of Bayham occupies 248 km² on the north shore of Lake Erie at the eastern end of Elgin County. The Municipality came into existence in 1998 as an amalgamation of the three separate municipalities formerly known as the Township of Bayham, the Village of Port Burwell, and the Village of Vienna. The population of the municipality in 2006 was 6727 according to Statistics Canada. The projected population for the Municipality by the year 2027 is 9196 based on extrapolation of recent growth rates.

Prior to 1983, the three municipalities were members of the East Elgin Planning Area as defined by the Treasurer of Ontario in 1973. The planning area also included the Townships of Malahide and South Dorchester, and the Village of Springfield. The East Elgin Official Plan was approved by the Minister of Housing in 1976 and provided the first set of comprehensive community planning policies for these municipalities. Upon the coming into force of the Planning Act, 1983, the East Elgin Planning Area ceased to exist. Eventually all six of the municipalities in East Elgin adopted individual Official Plans.

Several amendments to the Official Plans of the three municipalities amalgamated into the Municipality of Bayham were necessitated by changing local circumstances and development pressures. Changes in planning policy guidelines established by the Province of Ontario also contributed to the need for an updated set of planning policies for the new Municipality of Bayham.

The policies and land use designations included in this Official Plan have been prepared to guide development in the Municipality of Bayham for the ten-year period between 2001 and 2011. At the end of this period the policies of the Official Plan should be reviewed for their relevance and effectiveness. Background data and population projections should also be updated at this point. A five year review of the Official Plan was initiated in 2007 in accordance with the Planning Act with an emphasis on aligning the policies of the Official Plan with the Provincial Policy Statement 2005.

For the most part, this Official Plan recognizes that the predominant use of land in the Municipality will be agricultural in nature. Several policies have been incorporated in the Official Plan for the specific purpose of preserving productive farmland for agricultural purposes.

The continued development and revitalization of the Municipality's urban areas, notably Straffordville, Vienna and Port Burwell is also of strategic importance. These areas are

characterized as villages in the Official Plan, and consist of concentrated urban uses, particularly residential, local commercial and tourist commercial types of development. These villages will become either fully or partially serviced with municipal sewers and piped water during the planning period. Most of the future non-farm development in the municipality should therefore be focused on Straffordville, Vienna and Port Burwell. Some additional urban types of development will also be established and maintained in suburban areas and in the hamlets.

A five year review of the Official Plan was initiated in 2017 in order to respond to changing local circumstances and development, and to address economic, environmental and social change. The review also incorporates Provincial policy changes to the Planning Act, Provincial Policy Statement 2014, the Planning Act and the County of Elgin Official Plan. The population of the municipality in 2016 was 7396 according to Statistics Canada. The projected population for the Municipality by the year 2038 is 9480 based on extrapolation of recent growth rates. The policies and land use designations included in this Official Plan have been prepared to guide development in the Municipality of Bayham for the ten-year period between 2018 and 2028.

1.2 PURPOSE OF THE PLAN

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

- a) to ensure that future development and redevelopment in the Municipality of Bayham occurs in an orderly and controlled manner in accordance with principles of good planning;
- b) to recognize encourage and support the agricultural industry as the primary economic activity in the Municipality of Bayham;
- c) to provide a policy framework that encourages the preservation and utilization of good agricultural lands for agricultural production;
- d) to provide a policy framework for the development and expansion of other economic sectors such as tourism, the harbourfront, transportation and petroleum exploration;
- e) to bring local planning policies into conformity with the broader planning policies and guidelines issued and revised from time to time by the Province of Ontario;

- f) to provide community improvement goals, objectives and implementation policies which will contribute to the stabilization, preservation and improvement of existing and viable residential, commercial, industrial, harbourfront and recreational areas in the Municipality of Bayham;
- g) to designate major land use categories and areas that reflect the probable future needs and demands on land and resources in the Municipality of Bayham;
- h) to maintain and strengthen the existing pattern of identifiable communities and the agricultural character of the municipality;
- i) to streamline the local planning process and to make the process more accessible and understandable to the general public;
- j) to provide the basis for the preparation of comprehensive zoning by-laws regulating the use of land and the type, size and location of buildings and structures;
- k) to protect and preserve properties, structures and buildings of historical, cultural and architectural significance;
- l) to promote and secure the health, safety, convenience, welfare and quality of life of residents and visitors;
- m) to promote and facilitate the expansion and diversification of the economy and tax base in the Municipality;
- n) to qualify the Municipality for various programs funded by senior levels of government that will allow the Municipality to attain its social and economic priorities;
- o) to provide a base for programming the expansion and upgrading of municipal services that recognizes the Municipality's financial capabilities and prevents development which would require disproportionately costly public services because of the location or type of use;
- p) to inform residents of the Municipality of the policies that affect the physical development of land in the Municipality;
- q) to ensure that land use conflicts are avoided and the natural and man-made

environments are protected;

- r) to ensure that the Municipality's resources are rationally used and its natural features protected.

1.3 BASIS OF THE PLAN

The "Official Plan of the Municipality of Bayham" is based in part on a Background Study, which forms the principal appendix to the Plan. The Background Study essentially comprises an analysis of population and household growth trends and projections. For the most part, however, the orientation and policy emphasis of this Official Plan is based on the Municipality's experience in the administration of a comprehensive community planning program over the previous 20 years, and on guidelines and the Provincial Policy Statement published by the Province of Ontario. Among these guidelines and policies are those relating to the delineation of floodlines; the designation of aggregate resource areas; community improvement strategies; and, the preservation of productive agricultural land resources.

All of the aforementioned policy guidelines have influenced the preparation of this Plan. The designation of aggregate resource areas and associated land use policies were based on Ministry of Natural Resources and Forestry guidelines, while the community improvement policies forming Section 6.0 of this Plan were developed from guidelines provided by the Ministry of Municipal Affairs and Housing.

Central to the Official Plan, however, are the agricultural and urban land use policies, which are based on the Provincial Policy Statement, developed by the Ontario Ministry of Municipal Affairs and Housing and in effect at the date of adoption of this Plan. The Provincial Policy Statement 2014 constitutes a policy statement of the Government of Ontario on "land use planning and development". The policy statement is of significance to the Municipality of Bayham, and as such, it has been interpreted as it applies to agricultural and urban land needs in the Municipality. The preservation of agricultural lands for agricultural use and the accommodation of non-farm development in settlement areas and on specifically recognized lands are key policy initiatives of this Official Plan.

Words or phrases that appear in italic type in the text of the Official Plan are more specifically defined in the Provincial Policy Statement 2014. Reference to the Provincial Policy Statement 2014 will assist in the interpretation of this Official Plan.

1.4 GOALS OF THE PLAN

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

- a) to minimize land use conflicts in all areas of the Municipality while accommodating, wherever possible, the various demands for land and resources as they arise;
- b) to maintain the natural environmental character of the Municipality;
- c) to place a high priority on maintaining or initiating agricultural production on high quality agricultural lands;
- d) to guide the allocation and utilization of the Municipality's natural resources so as to maximize benefits to residents of the Municipality;
- e) to stabilize, preserve and improve existing and viable residential, recreational and commercial areas in the Municipality;
- f) to encourage public awareness and input in the local planning process;
- g) to develop, redevelop and improve the Municipality in a manner which preserves the environment of the Municipality as desired by its residents;
- h) to protect and enhance the Municipality's natural heritage features and their ecological functions;
- i) to protect and enhance air, soil, and water quality;
- j) to promote renewable and alternative energy, energy efficiency and resource conservation;
- k) to provide for the housing needs of the Municipality's residents in a manner that recognizes the needs of residents, the level of services available, and the ability of the Municipality to accommodate growth in an orderly and controlled manner;
- l) to protect existing and future property owners from damage to property, which could result from the development of lands susceptible to natural hazards;

- m) to facilitate the future development of the Lake Erie shoreline and land adjacent to Big Otter Creek within Port Burwell and Vienna for public and private recreation and commercial uses, while preserving the scenic character of these lands, and preventing incompatible permanent development on lands subject to natural hazards;
- n) To work co-operatively with neighbouring municipalities and the County of Elgin in matters related to land use and infrastructure.

SECTION 2 RESOURCE POLICIES

2.1 AGRICULTURE RESOURCES

2.1.1 Land Use

- 2.1.1.1 The “Agriculture” designation shown on Schedule “A1” Municipality of Bayham Land Use of the Official Plan shall apply to *specialty crop areas* and *prime agricultural areas* in the Municipality. *Prime agricultural areas* in the Municipality of Bayham include *prime agricultural lands* as well as all of the non-prime agricultural lands (Canada Land Inventory Class 4-7) as they have traditionally been used for farming purposes and exhibit characteristics of ongoing agricultural uses.
- 2.1.1.2 All types, sizes, and intensities of *agricultural uses* and *normal farm practices* will be permitted and encouraged in the “Agriculture” designation. *Agriculture-related uses* and *secondary uses* will also be permitted in the “Agriculture” designation provided they are compatible with agricultural uses and do not contribute to land use conflicts. These uses may include surplus farm dwellings on separate lots, agricultural home occupations, and farm-related industrial and commercial uses.
- 2.1.1.3 The Municipality recognizes the importance of water resources, topsoil, woodlots, and windbreaks for agricultural uses. Any removal or alteration of trees and soil in the Municipality will be subject to the regulations of the Zoning By-law and the Elgin Tree Cutting By-law. Landowners are encouraged to consult with the Conservation Authority on matters of large scale tree planting.
- 2.1.1.4 Proposals for new or altered land uses in the “Agriculture” designation other than those contemplated by subsection 2.1.1.2 of the Official Plan will require an amendment to the plan which must be justified on the basis of not including any *specialty crop areas*; no appreciable loss of *prime agricultural lands*; and/or a growth related demand for the agricultural lands; and/or documentation showing that the subject lands are not part of a *prime agricultural area*. Official Plan Amendments that are justified on the basis of growth related demand must also consider an assessment of reasonable alternative locations, which either avoid, or impact lower priority prime agricultural lands. In considering an Official Plan amendment, the new proposed or later land use must also demonstrate compliance with the Minimum Distance Separation Formula 1.

2.1.2 **Livestock Operations and Nutrient Management**

2.1.2.1 Livestock operations shall be characterized by the raising, keeping or propagation of animals and poultry for profit as listed in the Factor Tables (Table 1) found in the *Minimum Distance Separation Implementation Guidelines* as amended from time to time. Without limiting the number or specific type of animals and poultry, the table of units is normally characterized to include beef, dairy cattle and veal; laying and broiler chickens, turkeys, ducks, ostrich and emus; swine including sows, weaners, boars, and feeder hogs, horses, goats, sheep, mink, rabbits and fox.

2.1.2.2 **Minimum Distance Separation Formulae** – The Minimum Distance Separation Formulae are to be applied in any land use designation where livestock is a permitted use. And:

- a) The keeping of livestock in a hobby farm context is permitted in connection with both farm and non-farm residential uses provided the complement of livestock facility complies with the regulations of the M.D.S. II. For the purposes of this policy, any animal or fowl that are referenced in the Minimum Distance Separation Formulae tables will be considered as livestock.
- b) MDS 1 is not applied to existing lots, surplus farm dwelling severances, within designated settlement areas, or where all or part of a dwelling is destroyed by catastrophe provided the dwelling is located no closer than before the catastrophe;
- c) MDS 2 is not applied where all or part of a livestock facility is destroyed by catastrophe unless the odour potential, nutrient units, or manure storage factors are increased;
- d) For the purposes of MDS 2, cemeteries that are closed or receive low levels of visitation will be considered a Type A land use as per the Minimum Distance Separation Formulae.

2.1.2.3 **Nutrient Management** – Prior to the issuance of a building permit, the establishment of a new or expanding livestock operation including buildings used for the housing of livestock or storage of manure and including the construction of an earthen manure storage facility, that are in excess of 5 nutrient units, shall prepare a nutrient

management strategy and/or plan in accordance with the Nutrient Management Act and any regulations made pursuant to such Act, including Regulation 267/03.

2.1.3 **Farm-Related Industrial and Commercial Uses**

2.1.3.1 The Municipality shall permit in the area designated “Agriculture” the establishment of farm-related industrial and commercial activities as described in Section 2.1.1.2 which are small scale and directly related to the farm operation and required in close proximity to the farm operation. Only “dry” farm-related industrial and commercial uses will be permitted. A “dry” use shall be defined as a use that does not require water for cooling, washing, and processing and whose subsurface sanitary sewage disposal systems are used solely for the domestic waste generated by employees.

2.1.3.2 The general principles to be considered in the development and zoning of farm related industrial and commercial uses as described in Section 2.1.3.1 are as follows:

- a) The Zoning By-law shall provide separate sets of zone regulations for farm-related industrial and commercial uses. These regulations should prescribe a low building to lot ratio;
- b) Uses which create adverse off-site environmental effects such as air pollution, noise, odour, or generate excessive solid or liquid wastes either in volume or toxicity will not be permitted;
- c) The proposed potable water treatment and supply system; method of sanitary sewage collection, treatment and disposal; solid waste disposal; and any emissions to the environment shall meet the requirements of, and where necessary, be approved by the Ministry of the Environment Conservation and Parks or its delegated authority;
- d) Adequate off-street parking will be provided to accommodate customers and employees, however, the use should not generate high volumes of vehicular traffic;
- e) The proposed use will comply with the M.D.S. I, and adequate buffering shall be provided between the farm related industrial or commercial area and adjacent uses to prevent land use conflicts.

2.1.4 **Institutional Uses**

2.1.4.1 Several small-scale institutional uses such as churches, cemeteries and schools exist within the “Agriculture” designation. These uses typically serve local rural populations and have limited conflicts with adjacent agricultural or rural uses. These uses will be zoned in a site-specific fashion consistent with their low building coverage to lot area ratio. New institutional uses shall be directed to designated settlement areas in the Municipality. The establishment of new, or expansion of existing, institutional uses in the “Agriculture” designation shall be discouraged and may only be considered by a site-specific Official Plan amendment and an accompanying Zoning Bylaw amendment.

2.1.5 **On-Farm Diversified Uses**

2.1.5.1 The Municipality supports on-farm diversified uses through the establishment of agri-tourism, farm related home occupations, farm related home industries and uses that produce value added agricultural products. These operations include agriculture, horticultural or agri-business operations for the purpose of recreation, education, research and training or active involvement in farm activities, where the principle use on the property remains farming and where products used in the activity are produced on the property or related to farming. Such activities may include: farm tours; processing demonstrations; pick-your-own-produce; a hay or corn maze; petting zoo; hay rides and sleigh, buggy or carriage rides; a farm theme playground for children; wineries or research activities. The following policies apply to the establishment and use of on-farm diversified operations:

- a) Small-scale agri-tourism uses will be permitted as-of-right on farm properties. Permitted uses will be established in the Zoning By-law.
- b) Large-scale, intensive agri-tourism uses may be permitted subject to a Zoning By-law amendment. Scale of the use will be determined by issues such as building area, size, and non-agricultural components of the use. Any non-agricultural components must adequately demonstrate how they contribute to the viability of the farm operation and will not contribute to land use conflicts with surrounding agricultural uses. Such uses will also be subject to site plan control.
- c) Agri-tourism uses shall be designed in a manner which does not detract from the agricultural character of the surrounding area in which it is located.

In order to achieve design integration, site plan control measures may be used which relate to issues such as signage, buffering, parking, and building location.

- d) Agri-tourism operations will not be permitted to be severed as the intent of such uses is to remain as a secondary, integral part of the primary farm operation.
- e) The proposed potable water supply system and method of sanitary sewage treatment and disposal, solid waste disposal, taking of water and any emissions to the environment shall meet the requirements of and be approved by the Ministry of the Environment Conservation and Parks and/or the appropriate approval authority.
- f) Small scale overnight guest accommodation such as, farm vacation home, bed and breakfast or other temporary shelters to a maximum of six rooms may be permitted as temporary accommodation of guests to permitted on-farm diversified uses.

2.1.5.2 Notwithstanding Section 2.1.5.1 policy for on-farm diversified use the establishment of agri-tourism, farm related home occupations, farm related home industries and uses that produce value added agricultural products, the subject lands located at BAYHAM CON 10 PT LOT 21 RP; 11R10370 PART 2, and municipally known as 14077 Bayham Drive may have a secondary use with commercial and industrial characteristics for the operation of an electrical services business use as an on-farm diversified use to be operated within a building with maximum floor area of 520 square metres and adjacent parking and circulation yard.

The subject lands subject to this Amendment as designated “Agriculture” may be used, developed, and zoned to permit an oversized home occupation workshop as a non-resource based secondary use and an On-farm Diversified use in accordance to Section 2.1.5.2 of the Official Plan, as amended.

2.1.6 **Division of Agricultural Parcels**

2.1.6.1 It is a policy of this Plan to discourage the division of large farms into smaller holdings and to encourage continued farm use. However, the severance of surplus farm dwellings

pursuant to the process of farm consolidation shall be permitted in accordance with the policies of Section 2.1.7 of this plan.

2.1.6.2 The assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted. In considering applications to divide agricultural parcels of land the Municipality shall have regard to:

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

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

2.1.7.1 In accordance with the Provincial Policy Statement 2014, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings that are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied a minimum of ten (10) years prior to the date of consent application, and which are surplus to a consolidated farm operation, may be permitted within the "Agriculture" designation in accordance with the following criteria:

- a) In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;
- b) Where a farm parcel with more than one existing dwelling is being

consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership;

- c) A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,
- c) Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham.

2.1.7.3 The severed lot with the surplus farm dwelling may:

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

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

- a) Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,
- b) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

2.1.7.5 Notwithstanding Section 2.1.7.1 c), the dwelling located in Pt. Lot 109, Concession 6, STR, and known municipally as 53443 Heritage Line, and existing as of March 2015,

may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.7.6 Notwithstanding Section 2.1.1.2 and Section 2.1.7.1, the existing dwelling located in Part S½, Lot 9, Concession 10, and known municipally as 54728 Best Line, may be severed as a surplus farm dwelling and zoned for residential use, whereas a new lot represents the second surplus farm dwelling severance from the original farm parcel known municipally as 54744 Best Line, and whereas new lots and new residential uses are not permitted in the Agriculture designation.

The lands subject to this Amendment and designated "Agriculture" may be used, developed and zoned in accordance with surplus farm dwelling policies of Section 2.1.7 of the Official Plan, as amended.

2.1.7.7 Notwithstanding Section 2.1.7.1, the dwelling located in Concession 2, Part of Lots 10 and 11 and known municipally as 55106 Vienna Line, and existing as of May 2023, may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.7.8 Notwithstanding Section 2.1.7.1, the dwelling located in Concession 1, Part of Lot 3 and known municipally as 53291 Nova Scotia Line, and existing as of October 19, 2023 (date of adoption), may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.8 **Existing Lots**

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

- a) The lot was in existence as of the date of adoption of this Official Plan;
- b) The building permit will comply with the Minimum Distance Separation I formula; and,
- c) The lot must be suitable to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply.

2.1.9 **Minor lot adjustments**

2.1.9.1 Consents to sever and convey land in areas designated “Agriculture” shall be permitted for minor lot adjustments, minor lot additions, minor boundary changes, easements and rights of way, technical severance or correction of title, provided no new conveyable lot(s) are created.

2.1.10 **Supplementary Farm Dwellings**

2.1.10.1 The Municipality supports the erection or placement of additional dwellings on farm parcels where the size or nature of the farming operation warrants additional dwellings. Such dwellings may only be permitted by a minor variance to the Zoning By-law and may not be severed from the farm operation. Such dwellings may be temporary dwellings in the form of a mobile home or modular home; or a permanent dwelling in the form of a converted dwelling or bunkhouse. Farming operations shall refer to any parcels owned, or owned in part by an applicant. Establishment of supplementary farm dwellings will be permitted subject to the following criteria:

- a) **Need:** Sufficient information must be provided which outlines how the type, scale, and/or size of the farm operation warrant the need for a supplementary farm dwelling;
- b) **Existing dwellings:** Sufficient justification must be provided to show how any existing supplementary farm dwellings that are part of the farming operation can't satisfy the housing needs of the farming operation;
- c) **Location:** Sufficient justification must be provided to show how the location of the supplementary farm dwelling makes efficient use of existing services and infrastructure and how the location will not impact surrounding land uses. Preference will be given to close proximity to principal farm dwellings and the use of natural landscaping to buffer temporary dwellings from surrounding land uses;
- d) **Size and type:** The supplementary farm dwelling unit is of a minimum size and type that can accommodate both health unit and building code requirements, and shall be no larger than necessary to accommodate the needs of the temporary farm help residing in the dwelling. Preference will be given to temporary dwellings, or alternatively permanent dwellings that are one storey in height with a maximum floor area of approximately 167m²

(1800ft²);

- e) **Services**: The supplementary farm dwelling must demonstrate an adequate supply of potable water and sanitary sewage disposal system to the satisfaction of the Municipality. Preference will be given to dwellings which can make use of existing services; and,
- f) **Vehicular access**: The supplementary farm dwelling must demonstrate how vehicular access will not contribute to any traffic-related hazards to the satisfaction of the appropriate road authority. Preference will be given to the use of existing driveways.

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

2.1.11 **Large Scale Supplementary Farm Dwellings**

Supplementary farm dwellings that exceed the approval criteria in Section 2.1.10 may be permitted for temporary accommodation of seasonal farm labour through temporary dwellings, or a permanent dwelling subject to the following policies:

1. The owner shall apply for an Official Plan and Zoning By-law amendment to permit the farm dwelling subject to the following criteria:
 - a) Consideration of all criteria and policies for supplementary farm dwellings permitted by a minor variance;
 - b) Demonstration that alternative locations for the accommodation in existing farm dwellings on lots in the same farm operation, in temporary accommodation, in settlement areas and other similar accommodation are not feasible and not appropriate for the intended accommodation;
 - c) Identification of the potential off-site impacts related to noise, lighting, traffic, maintenance and operation of the site on the surrounding community and the identification of appropriate mitigation measures; and

- d) A location in the Municipality where the site and building design shall provide appropriate accommodation for the health and safety of seasonal farm labourers.
2. Large scale supplementary farm dwellings shall be for the temporary accommodation of seasonal farm labour. The accommodation shall be located in proximity to the farm building cluster. The site and buildings shall be subject to agreements with the Municipality for the maintenance, buffering, removal of structures and improvement and limitations on the period of seasonal occupancy. The Municipality may enact licensing by-laws to ensure the health and safety of the occupants.
3. Notwithstanding Section 2.1.11 the existing dwelling located in Concession 2, Part Lot 14, and municipally known as 4964 and 4968 Plank Road may be used as a Large Scale Supplementary Farm Dwelling to house up to a maximum of twenty-nine (29) seasonal workers during the apple growing season being transported to and from leased farm parcels in the area, in the existing dwelling with gross floor area maximum of 305 m².

The subject lands subject to this Amendment as designated "Agriculture" may be used, developed, and zoned to permit a Large Scale Supplementary Farm Dwelling in accordance to Section 2.1.11 of the Official Plan, as amended.

4. Notwithstanding Section 2.1.11 the supplementary farm dwelling located in Concession 3, Lot 19 and 20, and municipally known as 56237 Chute Line may be used as a Large Scale Supplementary Farm Dwelling to house up to a maximum of twenty-four (24) seasonal workers during the apple growing season being transported to and from leased farm parcels in the area, in the a dwelling with gross floor area maximum of 322 square metres.

The subject lands subject to this Amendment as designated "Agriculture" may be used, developed, and zoned to permit a Large Scale Supplementary Farm Dwelling in accordance to Section 2.1.11 of the Official Plan, as amended.

2.1.12 **Additional Residential Units Agriculture**

Additional Residential Units may be permitted in the Agriculture Resource designation where a single detached dwelling is permitted. The Additional Residential Unit shall fulfill all the criteria for Additional Residential Units set out in Section 4.7.1. The Additional Residential Unit occupied in the Agriculture Resource designation shall not be used for seasonal farm labour as intended in the supplementary farm dwelling policies Section 2.1.10.

2.2 NATURAL HERITAGE RESOURCES

In accordance with the policies of Section 2.1 of the Provincial Policy Statement 2014, this Plan shall recognize the *natural heritage features and areas* of the Municipality and protect them from incompatible development. Natural Heritage resources include:

- Significant Wetlands;
- Significant Habitat of endangered or threatened species;
- Significant Fish habitat;
- Significant Woodlands;
- Significant Valleylands;
- Significant Wildlife habitat;
- Significant Areas of natural and scientific interest (ANSI's)

All of the above features where found in the Municipality are designated as such on Schedule "A1" to the Plan. The Municipality currently recognizes the following natural heritage features:

Type	Name	Area (ha)	Description
Provincially Significant Life Science ANSI	Big Otter Creek	647	Located northwest of Eden – an excellent example of a river valley system with adjoining uplands and exceptional deciduous bottomlands within the Norfolk Sand Plain physiographic region.
Locally Significant Life Science ANSI	Little Jerry Creek	130	River valley habitats with natural vegetation intact located where the Little Jerry Creek empties in Big Otter Creek near Richmond
Locally Significant Life Science ANSI	Iroquois Beach	-	Located within Port Burwell Provincial Park – Low lying wet strands vegetated with wet sedge meadows, marshes and shrub thickets are separated by drier, sandy meadows on low ridges.
Provincially Significant Wetlands	South Otter Creek Provincially Significant Wetland Complex	185.4	Located southeast of Straffordville along headwaters of the South Otter Creek - made up of 10 individual wetlands, composed of one wetland type (100% swamp). Located south of Lamers Line along banks of the South Otter Creek.
Locally Significant Woodlands	Eden Woods	92.7	Located northwest of Eden along headwaters of the Big Otter Creek – consisting of a gently rolling well drained sand plain, with dissected stream valleys and pond. Upland valley

			slope, crest mixed forests, valley bottom, pond swamp thicket, marsh and aquatics. Exhibits southern and Carolinian biota, with regionally significant flora
Locally Significant Woodlands	Bayham Swamp Forest	54	
Locally Significant Woodlands	Bayham Townline Woods	424	Located along the banks of the South Otter Creek between Jackson Line and Tunnel Line - This site is typified by gently rolling sand plain terrain with frequent wet depressions and basins. An incised stream valley passes southeastwards through the site. The moist depressions and basins throughout the site generally support seasonal swamps, but very locally there are perennial swamp and marsh communities.
Locally Significant Woodlands	Buxbaumia Woods	48	Located in an upland area loosely bounded by Coyle Road, Vincent Line, County Road 55 and Heritage Line – This site includes sand plain and ridge forests on a moraine landform created by a former glacial lake. The combination of the beach deposits and the moraine make this area regionally significant. Both features are significant separately as these deposits are not common in Elgin County.
Locally Significant Woodlands	Goldie’s Fern Woods	45	Located southeast of Vienna and bounded by two deeply incised ravines that empty into the South Otter Creek – This site exhibits good examples of sand plain deciduous forests with a rich fern ground layer.
Locally Significant Woodlands	Little Jerry and Big Otter Creek Complex	733	Located along 4km of the valley of Little Jerry Creek above its confluence with Big Otter Creek, and about 13 km of the valley of Big Otter Creek below the Big Otter Creek ANSI, The site contains good examples of incised valley forests of the Carolinian zone
Locally Significant Woodlands	Little Otter Creek Valley Complex	1105	Located all along the Little Otter Creek Valley and forming a complex which forms a more or less continuous wooded valley for about 18 km, as well as a number of incised tributary ravines and adjacent upland. The vegetation communities of the incised valleys are some of the best examples in Elgin County.

Locally Significant Woodlands	Straffordville Woods	336	Located southeast of Straffordville - The site contains good examples of typical rich upland sandy deciduous forests of the Norfolk Sand Plain.
Locally Significant Woodlands	Vienna Pawpaw Stand	12.1	Cluster of pawpaw trees found along the Big Otter Creek floodplain. Represents the only stand of pawpaw trees found in Elgin County
Locally Significant Woodlands	Vienna Woods	-	A small wooded area just west of the Village of Vienna supporting varied vegetation communities

2.2.1 **Natural Heritage Policies**

2.2.1.1 The Municipality of Bayham shall adopt and implement the terms of Section 2.1 of the Provincial Policy Statement 2014.

2.2.1.2 Municipal Council shall encourage the designation and protection of *natural heritage features and areas* in order to increase diversity, connectivity and physical area of the natural heritage land throughout the Municipality.

2.2.1.3 Municipal Council shall encourage the use of a natural heritage systems approach for the protection and enhancement of natural heritage features and/or the direction for development in the Municipality. The Municipality shall rely on the expertise of the Ministry of Natural Resources and Forestry and the Long Point Region Conservation Authority in identifying potential natural heritage features.

2.2.1.4 Municipal Council shall discourage *development* and *site alteration* in, or adjacent to *natural heritage features and areas*.

2.2.2 **Implementation**

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

2.2.2.2 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.

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

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

- b) provisions related to site plan control; and,
- c) standards, definitions and regulations in the Municipality's Zoning By-law.

2.2.3 **Development Applications**

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

2.2.3.2 *Development or site alteration* will not be permitted in:

- a) significant wetlands, significant coastal wetlands, or significant habitat of endangered species and threatened species. The Ministry of Natural Resources and Forestry is responsible for identifying habitat of endangered species and threatened species and approvals in such habitat. The habitat of endangered species and threatened species is not mapped on any schedules to the Official Plan.
- b) *fish habitat* except in accordance with *provincial and federal requirements*.
- c) *significant woodlands, significant valleylands, significant wildlife habitat, or significant Areas of Natural and Scientific Interest (ANSI's)* unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

2.2.3.3 Planning Act applications that propose development or site alteration within 120 metres of natural features and areas outlined in Section 2.2.3.2 shall not be permitted unless the applicant evaluates the ecological function of the adjacent lands and demonstrates that there will be no negative impacts on the natural features or their ecological functions for which the area is identified. An Environmental Impact Study shall be undertaken by qualified individuals and approved by the Municipality to demonstrate the impacts and shall address the following:

- 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 of, and a statement of the rationale for:
 - 1. the development;

2. the alternative methods of carrying out the development; and
3. the alternatives to the development.

c) a description of:

1. the environment including ecological processes, that will be affected or might reasonably be expected to be affected;
2. the effects of that will be caused, or that might reasonably be expected to be caused to the environment, including ecological processes; and
3. the actions that are necessary or that may be reasonably be expected upon the environment, including ecological processes, of the development.

2.2.3.4 Development or site alteration in, or within 120 metres of significant woodlands, will require written approval from Municipal Council, who may consult with Elgin County, the appropriate conservation authority and/or the Ministry of Natural Resources and Forestry regarding any such development proposals.

2.2.3.5 Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue; normal farm practices to be undertaken in or adjacent to significant woodlands; or to prohibit the harvest of woodlands products in a manner that is sustainable and in accordance with any applicable by-laws. In addition, the severance of land for agricultural purposes will not require any demonstration of negative impacts, provided there is no development proposed as part of the application.

2.2.3.6 Where development or site alteration is proposed in any of the Natural Heritage Features and Areas identified in this Plan or on adjacent lands, the landowner shall request Species at Risk (SAR) information from the Ministry of Natural Resources and Forestry (MNRF) – Aylmer District, prior to beginning site alteration and/or conducting SAR surveys. Once information has been provided, MNRF will review available SAR data to determine if SAR species are known or likely to occur on the property. If SAR species are known to occur the landowner may be required to engage a qualified biologist to determine if the proposed development may contravene the Endangered Species Act (ESA). Project screening through an Information Gathering Form (IGF) would be needed to initiate a project screening request after which MNRF would provide a response

indicating that contravention under the ESA is not likely to occur or contravention under the ESA is likely to occur with recommended options for seeking approval. No development or site alteration shall be permitted until the landowner for the development or site alteration has provided the necessary documentation to the MNRF.

2.3 WATER RESOURCES

In accordance with the policies of Section 2.2 of the Provincial Policy Statement 2014, this Plan shall endeavour to recognize the *surface water features, ground water features, hydrologic functions, and natural heritage features and areas* which are necessary for the ecological and hydrological integrity of the *watershed*. These features will be designated as “Surface and Ground Water Features” on Schedule “A1” to the Plan upon their availability.

2.3.1 Water Resource Policies

2.3.1.1 The Municipality shall adopt and implement the terms of Section 2.2 of the Provincial Policy Statement 2014.

2.3.1.2 The Municipality shall encourage the designation of *surface water features* and *ground water features* in order to protect, improve, and restore the quality and quantity of water throughout the Municipality.

2.3.1.3 The Municipality shall encourage efficient and sustainable use of water resources including water conservation, sustaining water quality, and encouraging stormwater management practices which minimize water volume and contaminant loads while using increased vegetation and pervious surface materials.

2.3.1.4 The Municipality shall discourage *development* and *site alteration* on or adjacent to *surface water features* and *ground water features*.

2.3.1.5 Pursuant to the Beds of Navigable Waters Act, the waterbed of navigable waterways is claimed as Provincial Crown Lands. Any alterations to navigable waterways which alter the alignment or shape of the channel cross section shall be approved by the Conservation Authority and the Ministry of Natural Resources and Forestry.

2.3.2 Ground and Surface Water Protection

2.3.2.1 Ground and surface water sources occur throughout the Municipality. Groundwater sources need to be protected to promote public health and as an essential resource for settlement area and rural water supplies, agricultural production and the maintenance of natural heritage features.

2.3.2.2 The Municipality shall encourage agricultural practices that protect water resources.

2.3.2.3 The Municipality shall ensure that land use planning contributes to the protection, maintenance, and enhancement of water and related resources and aquatic systems on an integrated watershed management basis.

2.3.2.4 The Municipality shall protect surface and groundwater quality through the use of regulatory and voluntary means of prohibiting, restricting, or influencing land uses and activities within *vulnerable* areas.

2.3.3 **Sourcewater Protection Implementation**

2.3.3.1 The policies of this Plan implement and complement the policies of the Source Protection Plans that apply within the Municipality. The Long Point Region Source Protection Plan contains the policies for the protection of municipal drinking water sources within the Municipality.

2.3.3.2 The identified vulnerable areas within Bayham include the Wellhead Protection Area (WHPA) surrounding the Richmond wellhead. This WHPA is identified on Schedule 'E' Richmond: Water Resources of this Plan. A WHPA is the area around a municipal wellhead where land use activities have the potential to affect the quality and quantity of water that flows into the well.

2.3.3.3 The WHPA identified on Schedule 'E' is a special protection area where certain land uses involving a significant drinking water threat activity may be prohibited or regulated in accordance with Section 57 or 58 of the Clean Water Act, 2006, and the Long Point Region Source Protection Plan, notwithstanding the uses permitted by the underlying land use designation.

2.3.3.4 The following policies are intended to prohibit or restrict significant drinking water threats from establishing within the WHPA in accordance with the Long Point Region Source Protection Plan to ensure that permitted uses can be established with an acceptable level of risk to groundwater quality and shall apply to the time related capture zones identified in Schedule E to this Plan, including:

- a) WHPA-A: 100 metre radius surrounding the well – vulnerability score 10
- b) WHPA-B: 2 year travel time for water to enter the well – vulnerability score 8

- c) WHPA-C: 5 year travel time for water to enter the well – vulnerability score 6 or less

The “vulnerability score” listed above for each WHPA illustrated on Schedule E to this plan identifies the degree to which a WHPA in the Municipality is vulnerable to contamination. The vulnerability score of a WHPA can range from 2 to 10, with 10 being the most vulnerable. The vulnerability score is used, together with a table of drinking water threats, published by the Ministry of the Environment Conservation and Parks, to determine whether a drinking water threat is either significant, moderate or low.

2.3.3.5 Land use activities which may pose a drinking water threat to municipal water supplies include the following:

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

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

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

2.4 MINERAL AGGREGATE RESOURCES

In accordance with the policies of Section 2.5 of the Provincial Policy Statement 2014, this Plan shall endeavour to protect *mineral aggregate resources* for their long term use. The Municipality will rely on the expertise of the Ministry of Natural Resources and Forestry in assisting with identification of *mineral aggregate resources*. The extraction of mineral aggregate resources shall be done in accordance with the Aggregate Resources Act.

2.4.1 General

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

2.4.1.2 A new pit or quarry operation will not require an amendment to this plan provided that:

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

2.4.1.3 All proposals for new pit or quarry operations to be located outside of the areas designated as “Mineral Aggregate Resource Areas” on Schedule “A1” to this Plan will require an amendment to this Plan. In considering an application for an amendment to this Plan, regard shall be had to the policies contained in Section 2.4.1 of this Plan.

- 2.4.1.4 Where lands are shown on Schedule “A1” to this Plan as being located within the “Mineral Aggregate Resources Areas” designation, such designation does not in itself constitute full and final municipal approval for the opening of a new pit or quarry. Every new pit or quarry operation will require an amendment to the Zoning By-law.
- 2.4.1.5 Prior to the enactment of an amendment to the Zoning By-law regard shall be had to the following matters:
- a) The potential for any land use conflicts that may be created by the proposed use, including conflicts with the natural environment, including “Hazard Lands” and “Conservation Lands”;
 - b) The ability of local roads to accommodate expected levels of truck traffic;
 - c) A site plan, complete with information as required by the Aggregate Resources Act, and any regulations made pursuant to such Act including Ontario Regulation 244/97, or any other pertinent and applicable provincial legislation or regulations;
 - d) The impact of pit and quarry operations due to noise and dust, including those involving the processing of aggregate materials at the extraction site on, “Hamlets” or “Villages”, as shown on Schedules to this plan, will be addressed through the Provincial licensing process and the conditions of site plan approval.
- 2.4.1.6 All extractive uses shall satisfy the requirements of the appropriate regulatory agency with respect to matters of potable water supply, the taking of water, the disposal of liquid wastes, noise, vibration, and the control of air pollution.
- 2.4.1.7 Official Plan and Zoning By-law amendments will not be required for *wayside pits and quarries* and *portable asphalt plants* and *portable concrete plants*. The Municipal Road Superintendent, the County Engineer, and the Ontario Ministry of Transportation or their agents, may use any land, except those areas of existing development or particular environmental sensitivity, which are incompatible with extraction and associated activities, for the extraction and processing of materials for the construction of public works. *Wayside pits and quarries* or *portable asphalt plants* and *portable concrete plants* are subject to a permit issued under the Aggregate Resources Act.

2.4.1.8 In reviewing applications for the creation of new lots or the alteration of existing lots, regard shall be had to the applicable policies contained in this Official Plan. In addition, the creation of new lots or the alteration of existing lots which may have the effect of reducing the viability of an existing or potential aggregate extraction operation will not be permitted within the “Mineral Aggregate Resource Area” designation.

2.4.1.9 As a pit or quarry operation progresses, the subject lands will be progressively rehabilitated to accommodate subsequent land uses, and may only be used for those purposes specified in Subsection 2.4.1.1 of this Plan. Rehabilitation in prime agricultural areas will ensure that substantially the same area and same average soil quality for agriculture are restored and the types of subsequent agricultural uses are consistent with surrounding agricultural uses, unless the depth of mineral aggregate extraction makes such rehabilitation unfeasible, or an amendment to the Official Plan is obtained in accordance with all other applicable policies of the Plan.

2.4.2 **Development Applications**

2.4.2.1 After rehabilitation has been completed, an application for an Official Plan amendment to permit a use or uses other than those permitted in subsection 2.4.1.1 of this Plan will be given due consideration, but only after documentation has been prepared and presented by the operator/applicant which shows that the licence has been surrendered, and:

- a) The subject lands have been exhausted of all aggregate resources; or,
- b) Any aggregate material remaining on-site is not capable of being extracted economically and/or feasibly; or,
- c) The proposed land use or development serves a greater long-term public interest; and
- d) Issues of public health and safety, and environmental impact are addressed.

2.4.2.2 Notwithstanding Section 2.4.1.3 of this Plan, Official Plan and Zoning By-law amendments will not be required for the removal or levelling of hills containing aggregate material for the purpose of increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of land surrounding the hill. Such removal sites are to be used on a temporary basis only. The Ministry of Natural

Resources and Forestry must be contacted prior to any excavation to determine licencing requirements under the Aggregate Resources Act.

2.5 PETROLEUM AND SALT RESOURCES

2.5.1 General

- 2.5.1.1 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 Urban Areas. All exploration and production activities are to be in compliance with the Oil, Gas, and Salt Resources Act, and the regulations and operating standards thereto. Existing petroleum features are identified on Schedule “A1” to the Plan as “Natural Gas Reservoir”.
- 2.5.1.2 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.
- 2.5.1.3 The municipality shall support the proper disposal of oil field brines, in accordance with Provincial regulations.
- 2.5.1.4 New development shall be set back 75 metres from existing petroleum wells. Known petroleum wells are identified on Schedule “A2”. This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development. Where development is proposed adjacent to or above pools or deposits, the Province shall be consulted regarding measures to allow possible future access for resource production purposes.
- 2.5.1.5 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 heritage feature or cultural heritage landscape*. New wells and associated works will be prohibited from causing any surface or ecological disturbance to natural and cultural heritage areas. If there are no alternatives to exploration and production within a natural or cultural heritage area, measures will be undertaken to reduce negative impacts. Where forest cover is removed it shall be replaced at a location specified by the landowner, unless no such location is suitable for tree cover, wherein the municipality may specify a location.

- 2.5.1.6 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.
- 2.5.1.7 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.
- 2.5.1.8 If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

2.6 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

In accordance with the policies of the Ministry of Tourism, Culture and Sport and Section 2.6 of the Provincial Policy Statement 2014, this Plan shall endeavour to recognize, restore, enhance and preserve the *built heritage resources* and *cultural heritage landscapes* of the Municipality. Cultural heritage resources include *archaeological resources*; buildings and structures of architectural, historical or engineering interest; cemeteries; groups of buildings and structures which are of interest and value in the landscape; and entire agricultural and urban landscapes. In essence they are the works of man and the effects of his activities in the environment and, accordingly, may be considered as heritage where they constitute the consultative record of past human activities, endeavours or events.

2.6.1 Cultural Heritage Policies

- a) Council may establish a Municipal Heritage Committee (MHC) to advise on matters relating to the Ontario Heritage Act and other business relating to heritage conservation.
- b) Council shall encourage the designation and maintenance of properties and structures pursuant to Parts IV and V of the Ontario Heritage Act.
- c) Council shall support the use of cultural heritage resources as a means to

promote economic development and tourism within the Municipality.

- d) Council shall notify the Province when any proposed development may impact a marked or unmarked cemetery in accordance with the Ontario Heritage Act and the Cemeteries Act.

2.6.2

Implementation

- a) Municipal Council shall implement the cultural heritage policies of this Plan through participation in provincial and federal programs related to cultural heritage conservation.
- b) In addition to promoting co-operation with individual property owners in the preservation of cultural heritage resources, Municipal Council will have regard to the effects of public works on buildings, sites and areas of historical importance in the municipality.
- c) New residential development in older residential areas of historical, architectural or landscape value will be encouraged to develop in keeping with the overall character of these areas.
- d) Municipal Council may utilize any of the following planning tools to promote or preserve cultural heritage resources in the municipality:
 - 1. The Municipality of Bayham Cultural Master Plan;
 - 2. Heritage Impact Assessments;
 - 3. Conditions of consent and subdivision approval and consequent agreements;
 - 4. Provisions related to site plan control; and,
 - 5. Standards, definitions and regulations in the Municipality's Zoning By-law.

2.6.3

Archaeological Resources

The Municipality will identify any development applications that will impact areas containing registered archeological sites or lands of archeological potential. Where the Municipality has identified development applications that will impact archaeological resources or lands of archaeological potential, the Municipality will require an archaeological assessment be conducted by a licensed archaeological consultant. Development on lands containing significant

archeological resources shall avoid the destruction or alteration of these resources. Where it is not possible, the development proponent shall conserve significant archeological resources through removal and documentation in advance of any land disturbances, and in accordance with archeological licensing provisions of the Ontario Heritage Act. Archeological site locations and areas of potential will be determined based on registered site data and potential screening criteria provided to the Municipality by the Province, or through technical assistance. Where significant archeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

The appropriate First Nation shall be provided notification with regard to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors. If the Municipality of Bayham initiates an Archaeological Master Plan, the appropriate First Nations shall be notified and invited to participate in the process.

SECTION 3 SPECIFIC LAND USE POLICIES

3.1 NON-RESOURCE USES

3.1.1 Objective

3.1.1.1 These land use policies are intended to apply to site-specific areas of the Municipality outside of the settlement areas where the predominant land use activity is not related to agriculture or other resources outlined in Section 2 of the Plan. These policies apply to lands outside the settlement areas which may be used for non-farm activities and where no identifiable adverse impacts on agriculture or the land uses within settlement areas will occur. Such areas are subject to a site-specific amendment to the Official Plan and the regulations of the Zoning By-law.

3.1.1.2 When locating uses outlined in section 3.1 may be considered by a site-specific Official Plan amendment and an accompanying Zoning By-law amendment. However, the Municipality prohibits the redesignation of lands for new estate residential uses on such lands.

3.1.1.3 Development proposals which abut agriculture lands, including official plan amendments, zoning by-law amendments, plans of subdivision, severances and site plans, shall include design measures to mitigate adverse impacts between the adjacent agricultural operations and the non-agricultural land use. Such mitigative measures may include, but are not limited to, incorporating existing natural features and man-made features to provide for separation and buffering; construction of visual and/or acoustical berms where appropriate; drainage modifications to prevent impacting existing offsite drainage patterns; and, use of appropriate fencing common to an agricultural area.

3.1.2 Land Use Designations and Map Schedules

3.1.2.1 The following uses will be further identified by a sub-classification indicating a specific non-resource use. The uses will be shown on Schedule “A1” to the Official Plan. Areas that are too small to represent on “Schedule “A1” appear as a symbol representing approximate location. Exact size and location is identified in the following text and may be determined through assessment mapping and/or the Zoning By-law. These uses are as follows:

- Estate Residential
- Mobile Home Parks

- Seasonal Travel Trailer Parks and Campgrounds
- Recreational
- Institutional
- Commercial / Highway Commercial
- Industrial

3.1.3 **General Policies That Apply to all Non-Resource Uses**

3.1.3.1 The Municipality shall regulate all development in the areas designated for non-resource uses so that the environment is maintained, agricultural uses are protected, and potential land use conflicts are not created.

3.1.3.2 In evaluating proposals for new or expanded non-resource uses, the Municipal Council shall require a presentation of the proposal which will include a detailed site plan outlining building areas and locations, ingress and egress to the site, parking facilities, existing and surrounding land uses, building location, site characteristics, and proposed buffering, surface water drainage, and landscaping. Where more than 5 lots/units are proposed, a Servicing Options Statement investigating the feasibility of servicing such development on full municipal services; communal sanitary sewage and potable water services; individual on-site sanitary sewage and potable water services shall be provided. Hydrogeological and/or geotechnical reports may be required by the appropriate approval authority to demonstrate the suitability of lands and the aquifer to accommodate communal as well as individual wells and on-site private sewage treatment and disposal systems. The Municipal Council shall require all applicants to provide written confirmation from the appropriate approval authority that the site is suitable for septic disposal systems and that potable water can be supplied.

3.1.3.3 Lands to be designated as non-resource areas in the Municipality of Bayham shall comply with the following:

- a) Land may be excluded from prime agricultural areas for limited non-residential uses, provided that:
 1. the land does not comprise a specialty crop area;
 2. there is a demonstrated need within the planning horizon provided for additional land to be designated to accommodate the proposed use;

3. there are no reasonable alternative locations which avoid prime agricultural areas; and
 4. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
- b) The provisions of the Provincial Policy Statement 2014 and both the M.D.S. I and M.D.S. II formulae;
 - c) Must have existing frontage on an opened and maintained year round, public road that is capable of sustaining vehicular traffic;
 - d) Should not be situated in proximity to existing land uses that in themselves have a high nuisance value or are easily capable of promoting land use conflicts. Such uses may include, but shall not be limited to, commercial grain drying operations; existing aggregate resource extraction operations or lands which are designated for aggregate resource extraction as described in this Plan, landfill sites or sewage lagoons; any industrial or commercial operation that is normally associated with substantial volumes of vehicular traffic or which creates adverse off-site environmental effects such as air pollution, noise, odours, or which generates excessive solid or liquid wastes either in volume or toxicity;
 - e) Buildings or structures must be appropriately setback from municipal drains, watercourses and any associated “Hazard Lands” as described in this Plan and the Zoning By-law;
 - f) The soil and ground water conditions are suitable for the operation of a private potable water and private sanitary sewage treatment and disposal system as approved by the appropriate approval authority;
 - g) The size of any parcel of land created for such uses shall conform to the provisions of the Zoning By-law and in no cases should any parcel be created that is smaller than necessary to support a well and approved private sewage treatment and disposal system;
 - h) Shall not create a traffic hazard as a result of access to a portion of a roadway with limited sight lines due to curves, grades, or existing roadside development including buildings and signs;

- i) Shall be considered only when mineral aggregate resource lands are not affected. Should mineral aggregate resource lands be affected, Municipal Council shall consult Section 2.4 of this Plan in order to protect such lands from development which would preclude or hinder future extraction;
- j) All non-resource uses shall require justification, which will address the need for the land use; the amount of land needed; reasons for choice of location, and consideration of other locations for the use;
- k) Should be regulated so that its impact will not detract from the natural environment.

3.1.4 **Estate Residential Uses**

3.1.4.1 Estate Residential uses shall only be permitted on lands previously designated Estate Residential on Schedule “A1” to this Official Plan, prior to approval of this Plan. The Municipality prohibits the creation of new estate residential uses on “Agriculture”.

3.1.4.2 Estate residential uses shall be restricted to low density, single unit dwellings.

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

3.1.4.4 Existing Estate Residential Designations and Maximum Number of Lots – Subject to a legally conveyable lot(s) being created, estate residential development is permitted by previously approved site specific Official Plan Amendments on lands designated “Estate Residential” on Schedule “A1” and more particularly described as:

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

northerly location of the property.

- d) A parcel having an approximate size of 0.79 hectares and situated on the west side of the road allowance between Lots 20 and 21 (north side of Calton Line) in Part Lot 20, Concession 5. One estate residential lot may be created.
- e) A parcel having an approximate size of 0.12 hectares and situated approximately 210 metres south of Calton Line, on the west side of Part Lot 21, Concession 4. One estate residential lot may be created.
- f) A parcel having an approximate size of 0.62 hectares and situated on the west side of Culloden Road in Part Lot 114, Concession N.S.T.R. One estate residential lot may be created.
- g) A parcel having an approximate size of 3.73 hectares and situated between Plank Road to the west and the former Canadian Pacific Railway corridor to the east in the western portion of Lot 15, Concession 2. A maximum of three estate residential lots may be created.
- h) A parcel having an approximate size of 0.4 hectare and situated on the north side of Best Line in Part Lot 14, Concession 10. Two estate residential lots may be created.
- i) A parcel having an approximate size of 1.22 hectares and situated west side of Baynor Road in Part Lot 136, Concession 6. One estate residential lot may be created.
- j) A parcel having an approximate size of 0.48 hectares and situated along the north side of Heritage Line in Part Lot 118, N.S.T.R. One estate residential lot may be created.
- k) A parcel having an approximate size of 4.0 hectares and situated on the south side of Provincial Highway 3 in Part Lot 6, Concession 8. Two estate residential lots may be created.
- l) A parcel having an approximate size of 1.35 hectares and situated in Lot 109 on the east side of Springer Hill Road, N.S.T.R. Two estate residential lots may be created.

- m) A parcel having an approximate size of 0.4 hectares and situated on the north side of Jackson Line in Part Lot 114, Concession 6. One estate residential lot may be created.
- n) A parcel having an approximate size of 1.1 hectares and situated in Part Lot 20, Concession 8 on the west side of Plank Road. One estate residential lot may be created.
- o) A parcel having an approximate size of 1.4 hectares and situated in Part Lot 16, Concession 8 on the east side of Sandytown Road. One estate residential lot may be created.
- p) A parcel having an approximate size of 1.5 hectares and situated in Part Lots 113 and 114, Concession N.S.T.R., at the intersection of Heritage Line and Culloden Road and designated Rural - "R(E/I)" on Schedule "A1". Two estate residential lots may be created in addition to two existing estate residential dwellings and one existing cemetery.
- q) A parcel having an approximate size of 5.3 hectares and situated in Part Lots 21 and 22, Concession 8, on the south side of Ridge Road. Two estate residential lots may be created in addition to one existing estate residential lot and one existing cemetery.
- r) In addition to one existing dwelling, a second residential dwelling may be developed on a separate lot on a parcel having an approximate area of 11.97 hectares and located on Part Lot 17, Concession 3, on the south side of Light Line, east of the Village of Vienna.

3.1.5 **Mobile Home Parks**

3.1.5.1 Mobile Home Parks may be permitted in areas designated "Mobile Home Parks" on Schedule "A1" to this Official Plan. Furthermore, the following existing mobile home parks are recognized in the "Mobile Home Parks" designation by this Plan and shall be appropriately zoned in the Zoning By-law:

1. In addition to an existing 4.1 hectare mobile home park, an additional 5.5 hectares of land in Lots 23, 24, Concession 9, will be considered for mobile home park purposes subject to site-specific Official Plan and Zoning By-law amendments in accordance with

the applicable Official Plan policies and subject to the following requirements.

- a. Studies completed to the satisfaction of the Ministry of the Environment Conservation and Parks and the Municipality with respect to the proposed sewage and water services in accordance with Sections 3.1.3.2 and 5.1 of the Official Plan.
- b. Completion of an Environmental Impact Study (EIS) in accordance with Section 2.2.3.3 of the Official Plan.
- c. Demonstration that MDS I has been satisfied and that the policies of Section 3.1.1.3 will be addressed.

2. Lot 5, Concession 8, Municipality of Bayham;

3. Lot 13, Concession 2, Municipality of Bayham.

3.1.5.2 It shall be the policy of this plan to restrict development of mobile home parks to expansions of existing parks or to new parks within settlement areas as designated on Schedule "A1" to this Official Plan. The expansion of any of the listed existing parks above, will be subject to the policies of Section 4.6.1 of this Plan. Proposed expansion of Mobile Home Parks into the "Agriculture" designation will require an amendment to the Official Plan.

3.1.6 **Seasonal Travel Trailer Parks and Campgrounds**

3.1.6.1 Seasonal travel trailer parks and campgrounds may be permitted in areas designated "Seasonal Travel Trailer Parks and Campgrounds" on Schedule "A1" to this Official Plan. It shall be the policy of this Plan to encourage new seasonal travel trailer parks or campgrounds to locate in areas conducive to such development. Such areas should be part of the Otter Creek System, or on the shoreline of Lake Erie where exceptional scenic vistas, aesthetic settings and recreational opportunities exist. Notwithstanding any policies of this Plan to the contrary, the following existing Seasonal Travel Trailer Parks and Campgrounds are recognized by this Plan and shall be appropriately zoned in the Zoning By-law:

1. Lot 15, Concession 1;

2. Lot 17, Concession 2;

3. Lot 5, Concession 3;

4. Lot 5, Concession 8;

3.1.6.2 In addition to the policies of Section 3.1.3 and 3.1.6.1 of this Plan, consideration in the evaluation of proposed seasonal travel trailer parks or campgrounds shall be in accordance with Section 4.6.2 of this Plan.

3.1.7 **Recreational and Institutional Uses**

3.1.7.1 Recreational uses such as golf courses and other public and private parks may be permitted on lands designated “Recreational” on Schedule “A1” to this Official Plan. Similarly, public institutional uses that serve the needs of the community and require a rural location may be permitted on lands designated “Institutional” on Schedule “A1” to this Official Plan. Notwithstanding the above, it is the intent of this Official Plan to encourage all institutional uses to locate in existing urban areas where municipal services and/or amenities exist. Examples of such uses are: schools, churches, museums, meeting halls and cemeteries.

3.1.7.2 In order to protect the surrounding resource lands from the effects of the proposed use, the proposed recreational or institutional use should meet, in addition to the policies of Section 2.7.3 of this Plan, the following criteria:

- a) The road capacity exists for any projected increased traffic flow;
- b) The topography lends itself to the particular use;
- c) Natural heritage features and areas are protected;
- d) Solid waste disposal can be taken care of adequately.

3.1.7.3 The potable water supply, sanitary sewage treatment and disposal, taking of water and any emission to the environment shall meet the requirements of and be approved by the Ministry of the Environment Conservation and Parks, and/or the appropriate approval authority as applicable.

3.1.8 **Commercial Uses**

3.1.8.1 All commercial uses are encouraged to be located within settlement areas. However commercial uses may be permitted in areas designated “Commercial” on Schedule “A1” to this Official Plan. Permitted uses shall include those commercial uses which rely

heavily upon automobile or truck traffic for their economic existence, and such uses may include automobile service stations, public garages and automobile sales agencies, farm machinery sales and service, farm supplies, building supply outlets, convenience stores, motels, drive-in restaurants or other eating establishments and accessory retail uses together with a residence of the owner or caretaker provided it is structurally attached to the commercial use.

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

3.1.8.3 In addition to the policies of Section 3.1.3 of this Official Plan, the following principles shall govern the development and zoning of commercial uses, which shall be included in a Highway Commercial Zone or Rural Commercial Zone in the Zoning By-law:

- a) Highway Commercial uses shall be located on Provincial Highways or improved County Roads subject to Section 4 of the Official Plan and subject to approval by the Ministry of Transportation or the County Engineer. Where development is proposed at the intersection of a Provincial Highway and a County Road, access to/from the site shall be located along the County Road;
- b) Adequate off-street parking facilities shall be provided;
- c) Does not require undue extension to a municipal sanitary sewage or potable water system;
- d) The proposed potable water supply system and method of sanitary sewage treatment and disposal, solid waste disposal, taking of water and any emissions to the environment shall meet the requirements of and be approved by the Ministry of the Environment Conservation and Parks and/or the appropriate approval authority;
- e) Access points to such parking areas shall be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic;
- f) Adequate buffering shall be provided between the commercial uses and adjacent uses to prevent adverse impacts. Attention shall be given to

buffering and landscaping of parking lots. Development located adjacent to Highway No. 3 will be subject to the geometric and safety requirements of the Ministry of Transportation. Ministry of Transportation permits will be required prior to any construction and/or grading being undertaken.

3.1.8.4 Commercial uses in locations other than along, or at intersections with Highway No. 3 or County Roads may be permitted on a limited basis subject to an Official Plan amendment, and provided they meet all other applicable policies of this Plan, and the Zoning By-law regulations for rural commercial uses.

3.1.8.5 The development of laundromats, car washes or other high water consuming establishments will not be permitted unless they can be connected to a piped municipal water supply and have an appropriate means of sanitary sewage treatment and solid waste disposal.

3.1.9 **Industrial Uses**

3.1.9.1 **Bayham Industrial Park** – The lands designated “Industrial” on Schedule “A1” in Part Lots 18, 19 and 20, Concession 11, are recognized as the main industrial area of the Municipality of Bayham. In addition to the policies of Section 3.1.3, the following criteria shall be applied to the development of these lands:

- a) The lands shall be developed in a manner which ensures access to interior lands and which is consistent with road networks in the neighbouring Town of Tillsonburg.
- b) Any proposed development abutting the Big Otter Creek ANSI shall require an Environmental Impact Study (EIS) in accordance with the policies of this Plan. Terms of reference for the EIS may be detailed upon consultation with the Conservation Authority and Province through the one-window protocol.
- c) Parcels of land adjacent to Provincial Highway 3 may also be developed for commercial purposes in accordance with the policies of Section 3.1.8 of the Official Plan.
- d) Development will proceed by the plan of subdivision process for the creation of lots. All lots created by a plan of subdivision and adjacent to Provincial Highway 3 must be reverse frontage lots with no direct access

to the highway. Access to the Industrial Park will be by (a) new municipal road(s), intersecting a Municipal or County road at a location acceptable to the Ministry of Transportation.

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

3.1.9.3 In addition to the policies outlined above and as found in Section 3.1.3 of this Official Plan, the general principles to be considered in the development and zoning of lands designated as “Industrial” on Schedule “A1” are as follows:

- a) The Zoning By-law shall provide a separate set of Zone Regulations for Rural Industrial uses, such that they are distinguishable from smaller scale and farm-related industrial uses;
- b) Industries which create adverse off-site environmental impacts such as air pollution, odour, noise, or which generate excessive solid or liquid wastes either in volume or toxicity will not be permitted;
- c) Industries should not require municipal sanitary sewer service. Only ‘dry’ industrial uses shall be permitted. A ‘dry’ industrial use shall be defined as a use that does not require water for cooling, washing, and processing and whose subsurface sanitary sewage treatment and disposal system(s) are used solely for the domestic waste generated by employees;
- d) Industries should not require connection to a municipal water supply, unless the establishment of private potable water supply is deemed impossible by either failed services or physical constraints;
- e) The proposed potable water supply system and method of sanitary sewage treatment and disposal, solid waste disposal, taking of water, and any emissions to the environment shall meet the requirements of, and where necessary, be approved by the Ministry of the Environment Conservation and Parks and/or the appropriate approval authority;
- f) Adequate off-street parking shall be provided;
- g) Access points to such parking areas shall be limited in number and

designed in a manner that will minimize the danger to vehicular and pedestrian traffic; and

- h) Adequate buffering in the form of landscaping, fencing, or separation distances shall be provided between the industrial area and adjacent uses to prevent adverse impacts. Attention shall be given to buffering and landscaping of parking lots.

3.2 CONSERVATION LANDS

3.2.1 Policies

3.2.1.1 The areas of exceptional scenic and recreational value, and geographic and environmental significance throughout the planning area, and particularly along the Lake Erie shoreline, should be preserved and/or developed in order to maintain their inherent environmental and scenic values. These areas should be designated as “Conservation Lands”.

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

3.2.1.3 Any development in areas of exceptional scenic or recreational value should be regulated so that its impact will not detract from the natural environmental character of the area. Proper forest resource management procedures should be adhered to and all tree removal should be done in accordance with the Elgin County Tree Cutting By-law.

3.2.1.4 The major areas of scenic and recreational value should be accessible to the public. Such areas in public ownership should be designated “Conservation Lands”.

3.2.1.5 The “Conservation Lands” designation may be used to protect *Natural heritage features and areas* from incompatible development. It may also be used to assist in the preservation and management of *Cultural Heritage and Archaeological Resources* in accordance with the Provincial Policy Statement 2014.

3.2.1.6 The Municipality supports the use of conservation easements between private landowners and conservation agencies in accordance with the Conservation Land Act. Conservation easements may be used:

- a) for the conservation, maintenance, restoration or enhancement of all or a portion of land or wildlife on the land;

- b) for the protection of water quality and quantity, including protection of drinking water sources;
- c) for watershed protection and management;
- d) for the conservation, preservation or protection of the land for agricultural purposes; or
- e) for any other purposes prescribed by the Conservation Land Act.

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

3.2.2 Permitted Uses

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

- a) Water resources;
- b) Unique vegetation or wildlife habitats;
- c) Forestry (silviculture);
- d) Valuable recreation resources;
- e) Historic sites;
- f) Designated outdoor recreation areas;
- g) Any natural resources the community and/or the Conservation Authority deem to be important as an environmental asset to the area.

3.2.2.2 Areas designated for conservation may have accessory residential buildings on a seasonal basis but no new permanent residential buildings shall be established.

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

3.3 SPECIFIC POLICY AREAS

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

3.3.1 Specific Policy Area No. 1 – Elliott Road

Notwithstanding the “Agriculture” policies of this Plan to the contrary, the lands comprising approximately 43 hectares in Part Lot 15, Concession 10 of the Municipality of Bayham and bounded by Green Line to the north, Provincial Highway 3 to the south, Elliott Road to the east and a wooded area to the west, and occupied by nineteen (19) existing non-farm residential dwellings may accommodate a total of twenty (20) non-farm dwellings in the area designated as “Specific Policy Area” on Schedule “A1” to this plan.

3.3.2 Specific Policy Area No. 2 – Port Burwell Harbour

In addition to the policies of Section 6.1, the lands within the “Hazard Lands” designation in Port Burwell which are generally situated south of Robinson Street, and east of the Big Otter Creek and extending into Lake Erie, are designated as “Specific Policy Area” on Schedule “D” to this plan and may be used to develop a marina and ancillary facilities. These lands will remain in a holding zone until such time as the conditions regarding development as outlined in Section 6.1 of this Plan can be accommodated to the satisfaction of the Municipality, in consultation with the Province and the Conservation Authority.

3.3.3 Specific Policy Area No. 3 – Chateau Wyndemere

The re-development of the former church retreat lands comprising 22.1 hectares of land located south of Nova Scotia Line in Part Lot 6, 7, 8, Concession 1, will require an Official Plan and Zoning By-law amendment prior to any development. The approval authority will identify the required studies, through pre-consultation, prior to any amendment to this Plan, which shall include, at a minimum, the following.

- a) Studies completed to the satisfaction of the Ministry of Environment Conservation and Parks and the Municipality with respect to the proposed sewage and water services in accordance with Sections 3.1.3.2 and 5.1 of

the Official Plan;

- b) Completion of an Environmental Impact Study (EIS) in accordance with Section 2.2.3.3 of the Official Plan;
- c) Cultural and ~~an~~ archaeological assessments to be completed to the satisfaction of the Ministry of Tourism, Culture and Sport as per Section 2.6.3 of the Official Plan;
- d) An agricultural impact assessment, to be completed to the satisfaction of the approval authority;
- e) Adequate and appropriate access to a public road;
- f) A development agreement entered into between the developer and the Municipality, which shall address, but is not limited to, vehicular access to the lands; and
- g) Pedestrian access to Port Burwell Provincial Park, from the subject property, to be reviewed by the Ministry of Natural Resources and Forestry.

3.3.4 **Specific Policy Area No. 4 – New England**

Notwithstanding the “Agriculture” policies of this Plan to the contrary, the lands comprising Part Lot 24 & 25, Concession 9 of the Municipality of Bayham and designated as Specific Policy Area on Schedule “A1” to this plan may be used for the purposes of non-farm residential development on an infilling basis to a maximum of five (5) new lots. The exact boundary of Specific Policy Area No. 4 will be outlined in the Zoning By-law. The proponent must demonstrate that MDS I has been satisfied.

3.3.5 **Specific Policy Area No. 5 - 10729 Plank Road**

In accordance to Section 3.1.9.2 the establishment of industrial land uses in the rural area outside of the Bayham Industrial Park are permitted subject to Official Plan and Zoning By-law Amendment, the subject lands located at CON 8 PT LOT 20 RP 11R7041; PART 2 and municipally known as 10729 Plank Road (County Road 19) are permitted to use the lands for mechanical services business office and warehouse industrial use, which use shall be permitted specific to the subject lands in the Zoning By-law prior to permit the use and Site Plan Approval being obtained to permit the proposed use.

The lands subject to this Amendment as designated “Specific Policy Area No. 5” may be used, developed, and zoned to permit the mechanical services office and warehouse use in addition to the permitted uses of the Estate Residential designation.

SECTION 4 SETTLEMENT AREA POLICIES

4.1 OBJECTIVE

The Municipality is primarily devoted to agricultural uses with concentrations of urban uses existing in the Hamlets of Corinth, North Hall, Eden, Richmond and Calton, and the Villages of Straffordville, Vienna and Port Burwell. It is the intent of this Plan to concentrate all of the urban growth in these centres in order to prevent scattered non-farm development in *prime agricultural areas*.

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

- Schedule “A1” Municipality of Bayham Land Use
- Schedule “B” Village of Straffordville Land Use and Constraints
- Schedule “C” Village of Vienna Land Use and Constraints
- Schedule “D” Village of Port Burwell Land Use and Constraints

Any proposals to expand the settlement areas as shown on the above schedules, will only be considered during a comprehensive Official Plan Review undertaken by the Municipality.

4.2 GENERAL POLICIES APPLICABLE TO ALL SETTLEMENT AREAS

4.2.1 All Development Forms

4.2.1.1 Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.

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

4.2.1.3 It shall be the policy of this Plan to restrict major residential, commercial or industrial development, generally defined as plans of subdivision with more than five (5) lots, in the urban areas until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements. Residential development in these areas will be allowed on the basis of infilling with some growth in areas directly adjacent to existing built-up areas through consents and small plans of subdivision.

4.2.1.4 Notwithstanding Section 4.2.1.3 or any other Plan policy, any major residential, commercial or industrial development, generally defined as infilling through plans of

subdivision or plans of condominium with more than five (5) lots, may be permitted on lands within the Village of Straffordville and Hamlet of Eden which are not serviced by municipal water services, without an Official Plan amendment in accordance with the following criteria:

- a) The developer shall provide servicing plans for future municipal water services for the subject lands and connection(s) to municipal water services in the design of any draft plan of subdivision or condominium application to ensure that these services or facilities can be provided up to the appropriate standard, which complies with all regulatory requirements, and protects human health and the natural environment in the event of future municipal service extensions to the area.
- b) Hydrogeological and/or geotechnical reports must be submitted to the satisfaction of the Municipality, which demonstrate that no long-term negative impacts to water quantity and quality will be produced by the development and there is sufficient long-term water quantity and quality available for the development.
- c) Confirmation from the Municipality of sufficient reserve sewage system capacity within municipal sewage services for any proposed development is required.
- d) The policies of the County Official Plan B2.7 Settlement Capability Studies will apply. Determination of this requirement will be addressed through the pre-consultation process for subdivisions/condominiums.

4.2.2 **Residential Uses**

4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.

4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.

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

4.2.3 **Employment Uses**

4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.

4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.

4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.

4.2.3.4 All existing agricultural uses will be permitted in the areas designated as “Hamlets” and “Villages” with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

4.2.3.5 Any proposals to redesignate lands from employment uses to residential uses, will only be considered during a comprehensive Official Plan Review and based on employment land needs projections.

4.2.4 **Intensification and Redevelopment**

4.2.4.1 The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

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

a) The permitted forms of residential intensification and redevelopment shall

only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas.

- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Municipality will ensure that:
 - 1. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
 - 2. For street infilling, the proposal is consistent with Subsection 4.4.2.4 a), and with the established building line and setbacks of the surrounding area.
 - 3. For rear yard infilling, the proposal is consistent with subsection 4.4.2.4. a); the siting of buildings and parking areas minimizes the impacts on neighbouring rear yards; direct vehicular access is provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.
 - 4. For infill subdivisions, the proposal is consistent with subsections 4.4.2.4. a) and c); and measures will be undertaken through a subdivision agreement, to buffer and screen the development from surrounding residential uses.

4.2.4.3 Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria, or would present a threat to public health and safety both on and off site.

4.2.5 **Community Design**

The Municipality shall encourage development and redevelopment of lands, buildings, streets, and public spaces applying community design excellence, contributing to the quality of place for Bayham's residents. The following policies relate to the physical design of communities, including plans of subdivision, infill development proposals, and site plans. Through the development review process for all planning applications the Municipality shall:

- a) Ensure that new development is designed in keeping with the traditional character of Settlement Areas, in a manner that preserves the traditional image and enhances the sense of place in the Municipality;
- b) Promote efficient and cost-effective development buildings, landscapes and circulation design patterns that minimize land consumption;
- c) Promote improvement of the physical character, appearance and safety of streetscapes, public spaces, and parks;
- d) Encourage tree retention and/or tree replacement on private and public lands.
- e) Encourage design that considers and integrates existing and traditional street patterns and neighbourhood structure;
- f) Encourage a high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service buildings;
- g) Encourage streetscaping that reflects the intended land use character of Settlement Areas and the specific land use designation;
- h) Encourage high quality of park and open space design. Land for parkland dedication shall be selected to facilitate its use as a central focal point for new or existing neighbourhoods;
- i) Encourage the provision of pedestrian, cycling and trail linkages through development approvals process; and,
- j) Encourage, at the Municipality's discretion, design guidelines with development applications, establishing how the policies of this Section have been considered and addressed. These guidelines shall be prepared

by the applicant to address physical features including streetscaping, landscaping, setbacks, signage, garage placement, architectural treatment and related design matters.

4.3 GROUP HOMES

4.3.1 Policies

- 4.3.1.1 Group Homes will be permitted in areas of the Municipality that are designated “Hamlets” or “Residential”.
- 4.3.1.2 For the purposes of this Plan, a group home is a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff) or live under responsible supervision consistent with the particular requirements of the residents. The home is licensed and/or approved for funding under Provincial Statutes and is in compliance with all applicable Municipal By-laws.
- 4.3.1.3 In order to prevent an undue concentration of group homes in specific areas of the Municipality, standards requiring a minimum distance between these facilities may be incorporated in the Zoning By-law.
- 4.3.1.4 Facilities existing on the date the zoning by-law comes into effect, but not complying with the requirements of the by-law, will be allowed to continue in operation but will not be permitted to expand without Municipal approval.
- 4.3.1.5 The establishment of a group home must be based on local need for the particular type of group home to serve the population of the Municipality and the immediate surrounding area. In determining the need and suitability of each type of group home and the number of residents per group home, the size and general character of the Municipality together with the merits of each specific application must be given consideration.
- 4.3.1.6 Group homes shall have sufficient off-street parking to accommodate the vehicles of the staff or persons on duty in the home and visitors.
- 4.3.1.7 For the purposes of this Plan, a crisis residence is licensed or funded by the Province of Ontario for the short term (averaging one month or less) accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social, or physical condition, or legal status, require a group living arrangement for their well-being.

4.3.1.8 Crisis residences are not permitted within the rural areas of the Municipality.

4.4 HAMLETS

4.4.1 General

4.4.1.1 The “Hamlet” policies are intended to apply to those parts of the Municipality where small concentrations of urban development and land uses have evolved into small, identifiable communities. The “Hamlet” policies shall apply to the various hamlets designated by this Official Plan. Schedule “A1” designates Corinth, North Hall, Eden, Richmond and Calton as “Hamlets”. These settlements are comprised of small clusters of residential and commercial uses. The intended function of the “Hamlets” in this Plan is to remain as small dormitory clusters, providing limited commercial, industrial and institutional services to the immediate surrounding area. The policy of this Plan is to restrict major residential development (more than 5 lots) wherever municipal services are not available, while allowing future growth on the basis of infilling and in accordance with the Hamlet boundaries as depicted on Schedule “A1”.

4.4.1.2 Permitted uses would include residential dwellings, variety stores, public garages, schools, churches and small scale commercial and industrial uses. Adequate buffering should be provided between the various uses wherever the potential for land use conflict exists.

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

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

4.4.1.4 Development on individual private potable water and individual sanitary sewage treatment and disposal systems shall be approved by the appropriate approval authority as applicable, and shall be limited to a type and density that does not precipitate the need for communal water or sewage works. Notwithstanding, development in Eden will require connection to the existing municipal sewage system, unless it can be demonstrated to the satisfaction of the Municipality that connection is not feasible. The

following table describes the planned servicing situations for each of the individual hamlets identified on Schedule “A1” for the time period of the Plan:

Settlement Area	Existing Sewer / Water Services	Proposed Sewer / Water Services
Corinth	Private Septic / Private Well	As existing
North Hall	Private Septic / Private Well	As existing
Eden	Piped Municipal / Private Well	Piped Municipal / Piped Municipal
Richmond	Private Septic / Private & Public Well	As existing
Calton	Private Septic / Private Well	As existing

4.4.1.5 Development may also be considered in “Hamlets” which have communal or municipal potable water supplies or sanitary sewage works, provided that minor, or no extension of such works is required.

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

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

4.4.1.8 Some of the principles to be considered in the development and zoning of non-residential uses in the residential areas in “Hamlets” are as follows:

- a) The permitted hamlet commercial or industrial uses shall be limited to retail stores or service shops which provide for the daily shopping or service needs of the adjacent residential areas and may include a automobile service station in a separate zoning category;
- b) The location of hamlet commercial or industrial uses shall be encouraged to locate on arterial or collector roads and indiscriminate scattering of these

uses shall be discouraged;

- c) The hamlet commercial or industrial uses shall be sited so as to minimize any adverse impacts upon the adjacent residential uses;
- d) The buildings containing hamlet commercial or industrial uses shall be designed, and any lighting or signs arranged so as to blend in with the character of the adjacent residential area;
- e) The floor area of any hamlet commercial use shall not exceed approximately 190 square metres and no more than two such uses shall be situated in one part of a residential neighbourhood;
- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2 **Residential Uses**

4.4.2.1 The principal land use function of “Hamlets” shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

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

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public

road, which is of a reasonable standard of construction;

- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;
- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

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

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

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and

pedestrian traffic generation;

- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 **Commercial Uses**

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

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

4.4.4 **Open Space Uses**

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

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

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

4.4.4.4 Where any lands designated for open space are under private ownership, this Plan does not indicate that such land will necessarily remain as open space indefinitely, nor shall it be construed as implying that open space areas are free and open to the general public

or will be purchased by the Municipality. If proposals to develop any such lands that are in private ownership are made and the municipality does not wish to purchase such lands in order to maintain the open space, then an application for the redesignation of such lands for other purposes will be given due consideration by the Municipality.

4.4.4.5 The Municipality shall endeavour to maintain the existing parkland in the municipality and should attempt, where possible, to acquire additional lands for neighbourhood parks within the “Hamlets” as warranted by the level of residential development in these areas.

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

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

4.5 VILLAGES

This section of the Official Plan provides the land use policies that apply to future development in the Villages of Straffordville, Vienna and Port Burwell during the 2018-2038 planning period.

4.5.1 General

4.5.1.1 Three major concentrations of urban development have been designated as “Villages” in the Official Plan of the Municipality of Bayham. The villages of Port Burwell and Vienna have the capability of accommodating urban types of development on full municipal services including piped water and sewerage facilities. The village of Straffordville has the capability of accommodating urban types of development on municipal sewers. For public health and safety purposes, all proposed development within the Village of Straffordville shall require proof of potable water by the Municipality, and will be restricted to infilling until such time as municipal water becomes available.

4.5.1.2 There are eleven land use designations / constraints that apply in the three villages as follows:

- Residential
- Multi-Unit Residential
- Harbour Residential/Commercial

- Commercial
- Industrial
- Institutional
- Open Space
- Conservation Lands
- Hazard Lands
- Floodway
- Flood Fringe

4.5.1.3 The three “Residential” designation policies apply to the majority of lands within Straffordville, Vienna and Port Burwell, but do not necessarily all appear within each village.

4.5.1.4 The “Commercial”, “Industrial”, “Institutional” and “Open Space” policies apply to those areas within the villages where each specific development occurs or is planned for future development.

4.5.1.5 The policies for “Conservation Lands” (Section 3.9) and “Hazard Lands” (Section 6.1) are located elsewhere in the Official Plan as they are not specific to the three Villages.

4.5.1.6 The “Floodway/Flood Fringe” policies (Section 6.2) apply to the lands within the boundaries of Vienna generally adjacent to the Big Otter Creek, which exhibit characteristics of susceptibility to flooding.

4.5.2 **Residential**

4.5.2.1 Within the areas designated “Residential” on Schedule “B”, “C” and “D”, the primary use of land shall be for single-detached dwellings. Two unit dwellings and seasonal dwellings may also be permitted in order to ensure a diversity of low-density housing types capable of meeting the needs of the Municipality. The dwelling units permitted in the “Residential” designation will be regulated by the Zoning By-law. Single, seasonal residential and semi-detached dwellings and duplexes should target a gross density of twenty (20) units per hectare and shall be serviced with municipal water and sewer services where one or both services are available.

4.5.2.2 The Municipality supports the *redevelopment* and *residential intensification* of lands in the “Residential” designation where such lands are being underutilized. Such

redevelopment or intensification may consist of the uses outlined in Section 4.5.2.1 of the Plan and must be capable of being serviced with municipal water and sewer services.

4.5.2.3 Land uses other than residential will be permitted in the “Residential” designation if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:

- Small scale professional offices which occupy less than 93 m² (1000 ft²);
- Small scale institutional uses such as churches;
- Home occupations.

4.5.2.4 All such uses should comply with the applicable regulations for the use as prescribed by the Zoning By-law. As a general rule, no more than two similar complementary uses shall be situated within a two-block radius of each other.

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

4.5.2.6 In order to maintain and strengthen the development of the “Commercial” designation and in order to maintain the character of areas designated “Residential”, the establishment of commercial uses will not be permitted (with the exception of those described in subsection 4.5.2.3) in the “Residential” designation.

4.5.2.7 Neighbourhood parks, playgrounds and other public open space areas that serve residential needs and complement the character of the “Residential” areas shall be permitted in accordance with Section 4.5.8 provided they comply with the standards and regulations of the Zoning By-law.

4.5.2.8 Proposals for new single unit 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 4.5.8.
- 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 treatment and disposal, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate to serve the proposed development. If these services or facilities are deemed inadequate, the 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.
- g) Storm drainage: Adequate provision for stormwater management/drainage and surface runoff subject to the requirements of the Municipality, and the statutory approval authority having jurisdiction, shall be provided. Where in the opinion of the Municipality it is deemed necessary or desirable, the Municipality may require the submission of a grading plan and/or stormwater management plan to ensure surface water runoff does not adversely affect neighbouring properties or receiving watercourses.
- h) Vehicular access: Vehicular access shall be available or made available from a public highway or public street of reasonable construction and maintenance to permit year round access and shall be subject to the

approval of the authority(ies) having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection. In new residential subdivisions, the use of a curvilinear street pattern, cul-de-sacs, and other similar design features to minimize through traffic movements shall be encouraged.

- i) The Planning Act: In the case of a residential subdivision, all matters contained within Section 50 and 51 of the Planning Act as amended or revised from time to time shall be complied with.

4.5.2.9 Consideration of an amendment to the Zoning By-law for mobile home parks within the Village designation will be subject to Section 4.6.1 of the Official Plan.

4.5.2.10 It shall be the policy of this plan that an applicant who wishes to develop a mobile home park in the Village designation shall enter into a development agreement with the Municipality prior to the passing of an amendment to the implementing zoning by-law. Such an agreement will be subject to Section 4.6.1.2 of the Official Plan.

4.5.2.11 Notwithstanding the policies of this Plan the following existing mobile home parks have been recognized in the “Residential” designation by this Plan and shall be appropriately zoned in the Zoning By-law;

- a) Pitt Street, Port Burwell, Municipality of Bayham
- b) Elizabeth Street, Port Burwell, Municipality of Bayham

4.5.3 **Multi-Unit Residential**

4.5.3.1 Permitted uses in the “Multi-Unit Residential” designation are housing in the form of triplex dwellings, group homes and crisis housing and medium density residential uses such as townhouses and apartment buildings, including senior citizens’ complexes.

4.5.3.2 Other uses complementary to, and compatible with, residential development such as small scale schools, churches, clinics and parks may be permitted, subject to rezoning. These uses will be permitted if they serve the residential function and improve the quality of life in the neighbourhood.

4.5.3.3 Home occupations are not permitted in the “Multi-Unit Residential” designation.

- 4.5.3.4 In the “Multi-Unit Residential” designation, apartments should target a net density of 75 units per hectare. All other permitted uses should target a net density of 35 units per hectare.
- 4.5.3.5 Mobile homes or trailers are not permitted in the “Multi-Unit Residential” designation.
- 4.5.3.6 “Multi-Unit Residential” uses shall be provided with adequate off-street parking and should be designed, situated, buffered and landscaped so as to minimize adverse impacts on adjacent properties.
- 4.5.3.7 “Multi-Unit Residential” developments in excess of 10 units will require site plan agreements in accordance with Section 41 of the Planning Act. Council may pass a by-law that requires plans and a site plan agreement, as set out in Section 8.17 of this plan.
- 4.5.3.8 The servicing of property and the land division of property in the “Multi-Unit Residential” designation shall comply with the policies of Section 4.5.1.8 of this Plan.
- 4.5.3.9 The Municipality shall encourage the *redevelopment* and *residential intensification* of lands from the “Residential” designation, to the “Multi-Unit Residential” where such lands are being underutilized and where they can be developed in a manner that is compatible with the surrounding development in the “Residential” designation. Such redevelopment or intensification may consist of the uses outlined in Section 4.5.3.1 of the Plan and must be capable of being serviced with municipal water and sewer services.
- 4.5.3.10 Council may request that an impact study be completed by the developer in order to support a proposed “Multi-Unit Residential” development, prior to any re-zoning or amendment to the Official Plan. This study may examine, among other things, the potential impact on schools, traffic, the Municipality’s infrastructure and neighbouring properties. Also discussed will be the means to address these impacts.
- 4.5.3.11 Development of “Multi-Unit-Residential” sites shall enhance the quality of the residential neighbourhood, with particular attention to the effects of vehicular and pedestrian traffic operation.
- 4.5.3.12 Notwithstanding Section 4.5.3.4 the townhouse condominium development on lands known historically as LT 6 & 7 E/S ROBINSON ST PL BAYHAM T/W E204755 & PT LT 7 W/S ERIEUS ST PL 12 BAYHAM PT 2 11R3556;

BAYHAM or 2 Robinson Street and 3 Erius Street may have a net residential density of 48 units per hectare, (including a southern portion of 2 Robinson Street lands) with a total lot area maximum of 2,760 square metres.

The lands subject to this Amendment as designated “Site-Specific Multi-Unit Residential” may be used, developed, and zoned to permit a maximum 13-unit townhouse condominium development.

4.5.4 **Harbour Residential/Commercial**

4.5.4.1 In the “Harbour Residential/Commercial” designation permitted uses include townhouses targeted to a net density of 35 units per hectare; stacked townhouses to a targeted net density of 60 units per hectare; apartments to a targeted net density of 75 units per hectare; marinas and associated uses, including boat storage and repairs; parks, schools and churches; tourist commercial establishments; and parking areas.

4.5.4.2 The waterfront is considered an important element to the community at large. As such, Council puts considerable value in obtaining either ownership or public easements along the Big Otter Creek for public use. Further, Council recognizes that uses such as commercial fishing, charter boat operators, recreational boating, recreational anglers, and the public boat ramp are important to the social and economic health of the wider community.

4.5.4.3 To fulfil the intent of policy 4.5.4.2, Council may accept the dedication of a linear open space system along the Big Otter Creek as parkland dedication.

4.5.4.4 Lands subject to the “Harbour Residential/Commercial” designation shall be designated, under the provisions of Section 41 of the Planning Act, as a Site Plan Control Area.

4.5.4.5 Prior to consideration of an application for a zoning by-law amendment (including the removal of a holding symbol “h”) in the “Harbour Residential/Commercial” designation, such an application shall be accompanied by the following:

- a) planning study measuring the probable social, recreational and traffic impacts in the village;
- b) A servicing feasibility study; and
- c) An examination of the effects of potential flooding and/or erosion along Big Otter Creek, and/or the shore of Lake Erie, in consultation with the

appropriate Conservation Authority.

4.5.4.6 The required studies will show that the proposed development is compatible with surrounding land uses and would not place a burden on the existing infrastructure of the Municipality.

4.5.5 **Commercial**

4.5.5.1 Within the area designated “Commercial” on Schedules “B”, “C” and “D”, the predominant use of land shall be for the buying and selling of goods and services. The types of commercial uses permitted in this designation will be specified in the Zoning By-law.

4.5.5.2 Secondary uses may also be permitted in the “Commercial” designation and may include residential uses in accordance with Section 4.5.1, public parks and open space, off-street parking, and small-scale or accessory industrial uses. These secondary uses will be specified in and regulated by the Zoning By-law.

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

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

4.5.5.5 Proposals for new development and redevelopment in the “Commercial” designation shall meet the following criteria:

- a) **Services and facilities:** Existing or proposed municipal services (including potable water supply, sanitary sewage treatment and waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate to serve the proposed development. If these services or facilities are deemed inadequate, the 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 of the Municipality.

- 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 servicing the “Commercial” designation.
- c) Adjacent and surrounding land use: Adequate buffer planting or screening may be required along the boundary between the “Commercial” designation and any adjacent areas in any residential designation.
- d) Zoning: All new development, redevelopment and expansions to existing development shall comply with the standards of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
- e) Storm drainage: Adequate provision for stormwater management/drainage and surface runoff subject to the requirements of the Municipality, and the statutory approval authority having jurisdiction, shall be provided. Where in the opinion of the Municipality it is deemed necessary or desirable, the Municipality may require the submission of a grading plan and/or stormwater management plan to ensure surface water runoff does not adversely affect neighbouring properties or receiving watercourses.
- f) Site plan agreement: The Municipality may require entering into a site plan agreement to ensure the satisfactory provision and maintenance of facilities and services relating to the proposed development or redevelopment.

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

4.5.5.7 Small-scale manufacturing or industrial uses accessory to a commercial use will be permitted subject to compliance with the Zoning By-law.

4.5.5.8 The Zoning By-law shall ensure that developments in the “Commercial” designation are appropriately set back from the road. They shall be buffered to prevent adverse land use impacts, and to protect adjacent residential, institutional and open space uses.

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

4.5.5.10 The “Commercial” designation is a site plan control area and Council may pass a by-law which requires plans and an agreement as set out in Section 8.17 of this Plan.

4.5.6 **Industrial**

4.5.6.1 Permitted uses in the “Industrial” designation as shown on Schedule “B”, “C”, and “D” are manufacturing, assembling, processing, warehousing and storage. Bulk fuel facilities, public utilities, transportation and communication facilities are also permitted.

4.5.6.2 Buildings, offices and retail activities accessory to the “Industrial” use and an accessory residence for a caretaker, owner or essential workmen are permitted provided they are structurally attached to the Industrial land use.

4.5.6.3 The Zoning By-law and the provisions of site plan control under Section 41 of the Planning Act shall ensure that industrial uses are appropriately set back from the road and are buffered and/or landscaped to minimize any adverse impacts on adjacent areas. The Zoning By-law shall also ensure that adequate off-street loading and parking are provided.

4.5.6.4 Notwithstanding the use of best available abatement technology, industries have the potential to create off-site nuisances due to noise, odours, vibration and particulate emissions. Given the foregoing, Council will give due regard to the guidelines referred to in the Ministry of Environment Conservation and Parks’ “Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses”, or its successor document, when reviewing any industrial development applications in proximity to sensitive land uses.

4.5.6.5 Industries that create extreme environmental conditions such as high air pollution, noise, excessive solid waste generation or high liquid waste either in volume or toxicity will not be permitted.

4.5.6.6 The proposed municipal potable water supply system, method of municipal sanitary sewage treatment and disposal, solid waste disposal, surface and storm drainage, taking of water, and any emissions to the environment shall meet the requirements of, and where necessary, be approved by the Ministry of the Environment Conservation and Parks. All new industrial uses will be required to connect to the municipal potable water supply and municipal sanitary sewerage systems. Limited exceptions may be permitted

by amendment to this Plan and subject to the approval of the appropriate approval authority.

4.5.6.7 The “Industrial” designation is a site plan control area and the Municipality may require plans and a development agreement as set out in Section 8.17 of this Plan.

4.5.7 **Institutional**

4.5.7.1 Within the areas designated “Institutional” on Schedules “B”, “C” and “D”, the primary use of land shall be for clinics, places of worship, cemeteries, municipal offices and works yards and structures, libraries, schools, provincial or federal buildings and structures, and utilities.

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

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

4.5.8 **Open Space**

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

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

4.5.8.3 The Zoning By-law will specify the range of uses permitted in the designated “Open Space” areas as well as the minimum standards which will apply to buildings and structures accessory or complementary thereto.

4.5.8.4 Where lands designated as “Open Space” are in private ownership, such designation does not imply that these lands will remain as open space, nor shall it be construed as implying that these areas are free and open to the general public or will be purchased by

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

- 4.5.8.5 The Municipality will continue to support the development and maintenance of recreation facilities; the acquisition, beautification, and maintenance of public open space; and the development of recreation programs insofar as its financial resources permit.
- 4.5.8.6 The Municipality will ensure that adequate, safe neighbourhood parks are provided to serve the areas in any residential designation. A minimum size for a neighbourhood park may be established in the Zoning By-law.
- 4.5.8.7 Deleted
- 4.5.8.8 Lands within the area designated “Open Space” on Schedules “B”, “C” and “D”, may be susceptible to hazardous conditions other than those associated with flooding. As such, prior to an Official Plan Amendment to redesignate land from the Open Space designation, written approval from the Conservation Authority must be obtained, if required by the Municipality.
- 4.5.8.9 Port Burwell’s sewage treatment plant may periodically generate odours that could be a source of nuisance to residential and other uses if such uses were permitted to locate in close proximity to the plant. In order to avoid land use conflicts and to protect the site from encroachment, the Municipality may not adopt any amendments to the “Open Space” designation that would permit odour sensitive uses to locate within 150 metres of the property/lot line of the sewage treatment works.

4.6 MOBILE HOME PARKS AND SEASONAL TRAVEL TRAILER PARKS

4.6.1 Mobile Home Parks

- 4.6.1.1 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for mobile home parks:
 - a) All mobile homes are to be contained in a mobile home park development, which may be established by a Plan of Subdivision pursuant to the Planning Act;
 - b) The land shall be accessible to a main road by means of the roads within

- the mobile home park;
- c) The mobile home park shall be located such that bus or school services are not unduly affected, and these shall be available to the site;
 - d) The park must be served by a municipal or communal water supply and sewage disposal systems, which meet the requirements of and are approved by the Ministry of the Environment Conservation and Parks, or its delegated authority as applicable. The methods of and arrangements for ensuring responsibility for systems operation and maintenance shall satisfy the Ministry of the Environment Conservation and Parks;
 - e) The maximum density of development will not exceed 20 units per hectare and the minimum home size shall be 55 square metres;
 - f) Utilities and services such as hydro, lighting, telephone, roads and sidewalks shall be provided by the developer. Garbage collection and disposal may be provided by the developer or by the Municipality;
 - g) Adequate buffering shall be provided to shield the mobile home park from neighbouring uses and vice versa;
 - h) Eight percent of the gross area of the mobile home park shall be designated as a recreational area. The buffer zone shall not be a part of the recreation area;
 - i) All housing units and services shall be in accordance with the standards and specifications of the Province of Ontario;
 - j) Mobile home parks shall as a general rule, be a maximum of 80 units and a minimum of 20 units in size;
 - k) For the purposes of this plan, a “mobile home” shall be defined in accordance with the Planning Act, but does not include any single-detached dwelling that has been constructed so as to be located on a site other than that which it has been constructed on.

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

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

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

- a) Pitt Street, Port Burwell, Municipality of Bayham
- b) Elizabeth Street, Port Burwell, Municipality of Bayham

4.6.2 **Seasonal Travel Trailer Parks**

4.6.2.1 Seasonal travel trailer parks are permitted in designated “Hamlets” and areas designated as “Open Space” or “Conservation Lands” in Straffordville, Vienna, or Port Burwell by an

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

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

the development must be set out in a site plan. This plan should indicate:

1. The true shape, topography, contours, dimensions, area and location of the property to be developed as well as the extent of adjacent property held for future mobile park development;
2. The existing use of all land and the location and use of all buildings and structures lying within a distance of 120 metres from the land that is to be developed for the seasonal travel trailer park;
3. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
4. All entrances and exits;
5. Design plans for the progressive and ultimate development of individual travel trailer lots, ancillary facilities and internal roads;
6. Drainage provisions - the method and final grades, by which the travel trailer park shall be adequately drained, certified by a qualified engineer;
7. The location of any communal wells and subsurface sewage treatment and disposal systems, both within the proposed development and within a distance of 120 metres from the land that is to be developed.

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

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

4.7 ADDITIONAL RESIDENTIAL UNITS

4.7.1 Additional Residential Units

Up to one (1) additional residential unit, being a self-contained unit, with kitchen and bathroom facilities, ancillary and subordinate to the primary dwelling unit, may be permitted within a single detached dwelling, semi-detached dwelling, street row houses, or accessory building, may be

permitted on such lots where the lot is on partial or private water and sewer services.

Up to two (2) additional residential units, being a self-contained unit, with kitchen and bathroom facilities, ancillary and subordinate to the primary dwelling unit, may be permitted within a single detached dwelling, semi-detached dwelling, or street row houses, for a maximum of two (2) additional residential units in the primary dwelling building or maximum one (1) in an accessory building, may be permitted on such lots where the lot is fully serviced by both municipal water and municipal sanitary sewer services. Additional Residential units may include second suites, basement apartments, or accessory apartments. The additional residential unit(s) shall be located in a Settlement Area and on the same lot as the primary dwelling. It shall meet the following criteria:

- a) The exterior building or site changes to permit the additional residential unit shall maintain the general form and architectural character of the building where possible. Additional on-site parking shall be required.
- b) A maximum of one (1) connection to existing private and/or municipal sewage and water services shall be available to service the accessory residential unit(s) ancillary to the primary dwelling unit, to the satisfaction of the Municipality and the Southwestern Public Health as required.
- c) The additional residential unit shall be incidental to the primary permitted residential use, and can be located within the primary residential building or an ancillary structure in accordance to the Planning Act, as amended.”

SECTION 5 INFRASTRUCTURE, PUBLIC SERVICE FACILITIES AND ENERGY

5.1 SEWAGE AND WATER

5.1.1 General

5.1.1.1 The Municipality's preferred hierarchy of sewage and water services to accommodate growth within its settlement areas are as follows:

- Fully serviced – *municipal sewage services* and *municipal water services* are the preferred form of servicing;
- Partially serviced – *municipal sewage services* and *individual on-site water services* are the second most preferred option;
- Individually serviced – *individual on-site sewage services* and *individual on-site water services* are the least preferred option for new development.
- Partially serviced – development on *municipal water services* and *individual on-site sewage services* will be discouraged.

5.1.1.2 The Municipality will also consider the use of private communal sewage and water services on a site-specific basis, where such public services are not feasible.

5.1.1.3 The Municipality will encourage and promote water conservation and water use efficiency.

5.1.1.4 Regardless of the type of servicing provided as per Section 5.1.1.1 and 5.1.1.2 of this Plan, any new development will be subject to confirmation of sufficient reserve capacity in the applicable water and/or sewer system.

5.1.2 Municipal Sewage Services, Municipal Water Services and Stormwater Management

5.1.2.1 The villages of Port Burwell and Vienna have both municipal sewage and water services and will be the focus of growth within the Municipality.

5.1.2.2 The Municipality will not permit development within serviced areas that cannot be feasibly connected to the *municipal sewage services* and *municipal water services*.

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

5.1.2.4 The Municipality may provide stormwater management infrastructure in the Village of Port Burwell in a manner that is viable, complies with all regulatory requirements and

protects human health and the natural environment. Council shall encourage development which incorporates best management practices, including stormwater attenuation and re-use, and low impact development.

5.1.3 **Partial Services (Sewers Only)**

5.1.3.1 The Village of Straffordville and portions of the Hamlet of Eden have *municipal sewage services* and *individual on-site water services* (wells).

5.1.3.2 The Municipality will endeavour to extend *municipal water services* to partially serviced areas to allow for future multi-unit development and intensification opportunities. Such expansion will be done in a manner that is consistent with Section 5.1.2.3 of the Plan. However, nothing in this Plan shall be construed as a public commitment to extend municipal water services during the time framework of this Plan.

5.1.4 **Individual Services**

5.1.4.1 The hamlets of Corinth, North Hall, Calton, and portions of Eden and Richmond are serviced by *individual on-site sewage services* and *individual on-site water services*. Any growth in these areas will be limited to infill development of a size and scale that complies with the requirements of the Zoning By-law and does not threaten the environment, human health and safety.

5.1.4.2 Any development outside of the designated Hamlets and Villages will be serviced by *individual on-site sewage services* and *individual on-site water services*, unless any such *municipal sewage services* or *municipal water services* are required for public health and safety reasons.

5.1.5 **Partial Services (Water Only)**

5.1.5.1 Portions of the Hamlet of Richmond have *municipal water services* and *individual on-site sewage services* (*septic*).

5.1.5.2 The Municipality will endeavour to extend municipal water services to partially serviced areas to allow for future multi-unit development and intensification opportunities. Such expansion will be done in a manner that is consistent with Section 5.1.2.3 of the Plan. However, nothing in this Plan shall be construed as a public commitment to extend municipal water services during the time framework of this Plan.

5.2 TRANSPORTATION

5.2.1 General

This section should be read in conjunction with Schedules “A1”, “B”, “C” and “D” to this Plan, which shows the general classification of roads in the Municipality.

5.2.2 Road System

The road system serving the Municipality of Bayham is comprised of a Provincial Highway, County Roads and Municipal Roads. With the exception of new roads created as a result of a plan of subdivision and/or a site plan agreement for a major development, the existing County and Municipal road system is considered adequate to meet the needs of the Municipality over the planning period. No significant changes apart from normal maintenance and improvements are expected or considered necessary.

5.2.3 Road Classifications

5.2.3.1 The Provincial Highway is designated as such and County roads are arterial roads on Schedules “A1”, “B”, “C” and “D”. Both the Provincial Highway and the County roads are designed to connect the major traffic generating areas of the Municipality and to be capable of carrying large to medium volumes of traffic within and through the Municipality. All other roads are local roads which are intended to provide access to abutting properties, to serve destination as opposed to through traffic, and to act as feeders to the arterial road system.

5.2.3.2 Provincial Highways – In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's (MTO) permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway intersection within MTO's permit control area will be subject to MTO's policies, standards, and requirements. Direct access will be discouraged and often prohibited.

5.2.4 Road Allowance Widths

The required road allowance of a road or highway shall be determined by the authority having jurisdiction. Generally, arterial roads shall have a right-of-way ranging from 20 metres to 30

metres. Local roads shall have a right-of-way ranging from 20 metres to 26 metres. In some cases, such as cul-de-sacs and short streets, consideration may be given to road allowances that are less than 20 metres in width; however, in no case shall a road allowance be created that is less than 15 metres in width.

5.2.5 **Neighbouring Municipalities**

The road system of the Municipality shall be compatible and co-ordinated with the road system of neighbouring municipalities.

5.2.6 **Subdivisions**

New roads created as a result of a consent or plan of subdivision shall be constructed to the standards of the Municipality prior to assumption by the Municipality. When new roads intersect Provincial Highways or County Roads, standards of construction at these intersections shall be subject to the approval of the Ontario Ministry of Transportation or the County of Elgin as the case may be.

5.2.7 **Railways**

5.2.7.1 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.

5.2.7.2 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 the appropriate railway. The proponent shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

5.2.7.3 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.

5.2.8 **Impacts on Heritage Resources**

In the case of extensions to roads and other necessary road improvements in general, including realignment and road widening, consideration will be given to the impact of such extensions or improvements on heritage resources, especially on the character of streetscapes and major crossroads or intersections.

5.2.9 **Unopened Road Allowances**

The location of existing unopened road allowances are indicated on Schedules “B”, “C” and “D” to prevent possible encroachment from future development. Actual alignment of these new roads or streets will be established at the time of survey. An amendment to this Plan will not be considered necessary to close an existing road allowance where considered desirable to do so by Municipal Council, or alternatively to establish a new road allowance.

5.2.10 **Plank Road**

Traffic control devices shall be placed so as to favour through traffic on Plank Road. Local streets shall be stop streets where they intersect with Plank Road.

5.2.11 **Marina**

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

5.2.12 **Active Transportation**

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

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

5.3 **ENERGY**

5.3.1 **Energy Efficiency**

Innovative development, including design and site layout which emphasizes reducing environmental impacts and increasing energy-saving measures will be encouraged. To achieve these objectives, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping. The Municipality supports the use of recognized building and development certification programs as means to increasing energy efficiency and decreasing impacts of development on the environment.

5.3.2 **Electric Power Facilities**

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

5.3.3 **Renewable Energy Systems**

5.3.3.1 The Municipality of Bayham supports the development of renewable energy systems for electricity production, as a source of renewable energy for the economic and environmental benefit of the Municipality and the Province, including wind, solar, and biogas/biofuel energy systems.

5.3.3.2 Renewable energy system proponents are encouraged to contact the municipality prior to commencing any necessary background studies, to determine the nature and scope of the issues, which need to be addressed as per the municipal consultation requirements under Ontario Regulation No. 359/09.

5.3.4 **Large-Scale Renewable and Alternative Energy Systems**

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

- a) The system and/or facility will have convenient access to railways, major highway routes, transmission corridors or rights-of-way, for the transportation / transmission of energy or energy products;
- b) The preferred form of servicing will be municipal water and sanitary services necessary for the production facility. Alternatively, development may occur on private water and sanitary services, where the proponent has demonstrated long term capacity for private on site water and sanitary services without negative impacts on the quality and quantity of water on

surrounding lands.

- c) When located in a rural land use designation, the system and/or facility will generally be located on lower priority agricultural lands and positioned on site to minimize disruption to normal farm practices.

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

- a) A noise impact study will be undertaken to determine setbacks for systems and facilities from sensitive land uses in accordance with Ministry of the Environment Conservation and Parks guidelines;
- b) A visual impact study will be undertaken to determine the impact and mitigation measures required for any structures on surrounding sensitive land uses;
- c) An environmental impact study shall be undertaken where natural hazards and natural heritage features or functions are identified in the Official Plan. Where natural features or functions are identified, the environmental impact study must demonstrate that the proposed development will have no negative impacts on the natural features or their ecological functions. Development or site alteration shall not be permitted in significant habitat of endangered species and threatened species, significant wetlands and significant coastal wetlands;
- d) Where a significant amount of agricultural land is intended to be removed from agricultural use, a report will be required demonstrating that the proposed system or facility does not negatively impact normal farm practices, and is compatible with surrounding agricultural operations; and
- e) Any other such background studies as deemed necessary by Council prior to consideration of the amendment, related to odour, vibration, municipal servicing capacity, traffic, or other land use impact related to the proposed

Zoning By-law amendment.

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

5.3.5 **Small Scale Wind Energy / Renewable and Alternative Energy Systems**

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

SECTION 6 NATURAL HAZARD LANDS

6.1 HAZARD LANDS DESIGNATION

6.1.1 General

6.1.1.1 The “Hazard Lands” designation applies to areas which exhibit or potentially exhibit a hazardous condition as a result of their susceptibility to flooding, erosion, dynamic beach hazards, subsidence, slumping, inundation or the presence of unstable soils, unstable bedrock, or steep slopes.

6.1.1.2 In the Municipality of Bayham the boundaries of the “Hazard Lands” designation have been generalized on Schedule “A2”, “B”, “C”, and “D” to follow the regulation limit determined by the Long Point Region Conservation Authority due to the absence of detailed engineered flood line mapping in the Municipality. These areas may be used for any of the uses permitted in the underlying land use designation found on the map. In all cases the location of buildings and structures for purposes other than flood or erosion control will be regulated through the provisions of the Zoning By-law after Municipal Council has consulted the Conservation Authority where applicable.

6.1.1.3 The “Hazard Lands” designation within Port Burwell, adjacent to Big Otter Creek was determined through the simulation of the 100-year hydraulic flood as established by the Conservation Authority. The lands within the “Hazard Lands” designation represent the engineered *Flood plain* for the Big Otter Creek. Bridges, culverts, hydro structures and boathouses without residential quarters, are permitted.

6.1.2 Buildings and Fill

No buildings and structures shall be permitted in the “Hazard Lands” except where a permit or written clearance is obtained from the Conservation Authority or where such buildings, structures or fill are intended for flood or erosion control and are approved by the Municipal Council and/or the Conservation Authority.

6.1.3 Flood Control Work

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

6.1.4 Land Dedication Under the Planning Act

Where new development is proposed on a site, part of which is designated as “Hazard Lands” in

the plan, then such lands shall not necessarily be acceptable as part of the dedication for park purposes as required under the Planning Act. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality.

6.1.5 **Setbacks and Lotlines**

Building setbacks will be imposed from the margins of hazard lands in relation to the kind, extent and severity of the existing and potential hazards after consultation with the Conservation Authority.

6.1.6 **Consideration of Amendments**

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

- a) The existing physical hazards;
- b) The potential impacts of these hazards;
- c) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and,
- d) The costs and benefits in monetary, social and biological value in terms of any engineering works and/or resource management practices needed to overcome these impacts.

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

6.1.7 **Valley Walls and Top of Bank**

6.1.7.1 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, which further warrant their preservation.

6.1.7.2 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.

6.1.7.3 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.

6.1.7.4 The erection of buildings, grading, or any other construction may be undertaken in this area provided that:

- a) 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.
- b) The development is compatible with the natural landscape and does not adversely alter the valley features or result in extensive clearing of wooded areas.
- c) Written permission is received from the Conservation Authority and the Ministry of Natural Resources and Forestry.

6.1.8 **Lake Erie Shoreline**

6.1.8.1 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:

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

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

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

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:

flooding hazard limit as determined by subsection 6.1.8.1 a) + **dynamic beach allowance of 30 metres**

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

- a) Designed and supervised by a registered Professional Engineer;
- b) Approved by the appropriate Conservation Authority, Municipal Council and the Ministry of Natural Resources and Forestry.

6.1.8.3 In some cases, buildings and structures may be erected closer to the waterline than the distance calculated through the application of the formula in subsection 6.1.8.1 a) of this Plan. Such buildings and structures may be associated with water-related uses such as marinas, docks and boathouses, and in all cases, the erection or expansion of all such

buildings and structures shall be subject to the approval of the appropriate Conservation Authority.

6.1.8.4 For areas that are exposed to the 1:100 year lake level and wave uprush as defined by the Ministry of Natural Resources and Forestry, 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 Forestry and the appropriate Conservation Authority.

6.1.9 **Development Policies**

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

6.1.10 **Docks and Waterfront Structures**

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

- a) Be subject to the approval of the appropriate Conservation Authority, and

where title to the bed of the waterway is vested with the Crown, the Ministry of Natural Resources and Forestry;

- b) Be designed, constructed and maintained in a manner that contributes to the amenity of the Municipality;
- c) Be capable of withstanding damaging storms, ice and high water conditions, or alternatively be designed to be removed during winter months. Seasonal structures are to be removed prior to winter freeze-up;
- 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.

6.1.11 **Public Road Access**

6.1.11.1 The Municipality is subject to significant shoreline erosion hazards and continues to lose tableland through this process along Lake Erie. Where existing opened municipal roads are in proximity to the shoreline, there is potential loss of public access when the road becomes unsafe for public use. This loss of access may remove access to private lands. The following policies provide an approach to address access to these private lands and to maintain public safety.

6.1.11.2 The Municipal Engineer shall monitor and assess the Lake Erie Shoreline erosion risk where the distance from the top of bank to the public right of way is 50 m or less. Where the assessment determines that the public road or public infrastructure in proximity to the top of bank is at risk of further erosion to a distance of 25 m or less, the Municipality shall close the road to public access to ensure safety and make any public infrastructure safe for public use. Council is under no obligation to address loss of public road access to private lands created by natural erosion processes along the Lake Erie Shoreline. The Elgin County Shoreline Management Plan (Baird 2015) can be used as a reference for assessing shoreline erosion.

6.1.11.3 Where the road is closed to public access the Municipality may undertake an assessment of the land owners affected by the road closure to determine the impact of the loss of the

road for private access and the need to provide emergency services. The assessment shall include the number of properties affected and their assets; alternative methods of providing private access; the cost efficiency of the access; the desirability of replacing a public access and related land use planning matters.

6.1.11.4 Where Council deems it necessary to maintain public road access for public health and safety, Council may consider a wide range of methods to obtain and secure long term emergency access for these private lands.

6.1.11.5 Council shall notify the land owners affected by the closing of the public right of way and inform them of any assessments or report directed by Council, regarding the closing of road allowances or the creation of alternative access to their lands.

6.2 FLOODWAY/FLOOD FRINGE

6.2.1 General

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

6.2.1.2 Prior to the erection or alteration of any buildings or structures, or any other construction that will require floodproofing measures, a property survey shall be completed to verify topographic elevations.

6.2.1.3 Existing uses in the “Floodway” designation will be recognized in the Zoning By-law as legal non-conforming uses. Existing uses in the “Flood Fringe” designation may be recognized as permitted uses by the underlying land use designations. Additional development or redevelopment of land in these areas will however, be in accordance with the following policies for either the “Floodway” or “Flood Fringe” as shown on Schedule “C” to this Plan.

6.2.2 Floodway

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

- 6.2.2.2 The erection of any buildings or structures other than those required for flood or erosion control, or those which are otherwise permitted by Section 6.2.1.3 of this Plan are prohibited in the “Floodway”.
- 6.2.2.3 Minor extensions or enlargements to existing buildings and structures which are not otherwise prohibited by this Plan shall be in compliance and conformity with the regulations of the Zoning By-law, and must receive written approval from the Conservation Authority regarding acceptable floodproofing elevations and measures. The Conservation Authority will determine whether the proposal is minor in nature and specify the level of floodproofing required.
- 6.2.2.4 If partial or total destruction of a building or structure occurs in the “Floodway” due to fire, flood, or other natural disaster, that building or structure may be rebuilt to its former dimensions and for the same use as existed immediately before its destruction, subsequent to the written approval of the Conservation Authority regarding acceptable floodproofing elevations and measures.
- 6.2.2.5 Uses that may be permitted within the “Floodway” designation include:
- Open space for public or private recreation purposes excluding permanent buildings and structures;
 - Open space for marinas and water-oriented commercial and recreational uses;
 - Agricultural uses; excluding buildings and structures;
 - Under special circumstances - storage yards and parking areas; storage materials as long as they are not explosive, buoyant, corrosive, flammable, or a pollutant;
 - Roads, bridges, railways and other public services of approved hydrologic design;
 - Appurtenances that would not obstruct the passage of flood waters or debris;
 - Approved structural works used for flood and erosion or sediment control.
- 6.2.2.6 The establishment of any of the aforementioned uses in the “Floodway” shall be subject to written approval of the Conservation Authority and/or the Ministry of Natural Resources and Forestry and shall be in conformity and compliance with the regulations of the Zoning By-law.

6.2.3 **Flood Fringe**

- 6.2.3.1 The “Flood Fringe” designation shown on Schedule “C” is based on the Regulatory Flood level (1:100 Year Storm Event) of the Big Otter Creek. The “Flood Fringe” defines the upper limit of flooding under the most severe regulation flood conditions and applies to the area(s) between the “Floodway” level and the Regulatory Flood Level.
- 6.2.3.2 The development of buildings and structures will be permitted in the “Flood Fringe” designation subject to floodproofing to the Regulatory Flood level and any other special flood protection measures which are adopted in compliance with the regulations of the Zoning By-law, and subject to written approval from the Conservation Authority. Consideration will also be given to ingress/egress such that vehicular and pedestrian movement is not prevented during times of flood.
- 6.2.3.3 The extension, enlargement, expansion and redevelopment or floodproofing of existing buildings and structures will be permitted in the “Flood Fringe” designation subject to compliance with the regulations of the Zoning By-law, and subsequent to the written approval of the Conservation Authority regarding acceptable floodproofing elevations and measures.
- 6.2.3.4 If partial or total destruction of a building or structure occurs in the “Flood Fringe” designation due to flood, fire or other natural disaster, that building or structure may be rebuilt subsequent to the written approval of the Conservation Authority regarding acceptable floodproofing elevations and measures and all other applicable regulations of the Zoning By-law.
- 6.2.3.5 The permitted uses and floodproofing requirements for buildings and structures in the “Flood Fringe” designation shall be detailed in the Zoning By-law.
- 6.2.3.6 Any placement or removal of fill within the “Flood Fringe” designation will be subject to the written approval of the Conservation Authority

6.3 **CLIMATE CHANGE**

6.3.1 **Climate Change Policies**

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

- 6.3.1.1 Council may prepare and adopt a Municipal Energy Plan setting out targets to conserve energy and reduce overall energy consumption in the Municipality. Where new development or redevelopment is proposed, the Municipality will encourage the owners to use energy conservation measures in the orientation, design, construction and maintenance of the buildings or property.
- 6.3.1.2 Council may prepare and adopt a Local Action Plan setting out targets to reduce GHG emissions in the Municipality. This Plan will provide direction for the development or redevelopment of land or buildings to reduce the amount of GHG emissions. It is a policy of this Plan to consider actions related to buildings, outdoor areas and public and private transportation to support the achievement of GHG emission reduction targets.
- 6.3.1.3 Council will consider the increased risk associated with climate change related to intensity and volume of rainfall, increased intensity of weather events, fluctuation in temperature, and related weather changes when approving development applications or site alterations. Public works and infrastructure will be designed and built or rebuilt to adapt to the changing climate.
- 6.3.1.4 Council will encourage energy production technologies and form as set out in Section 5.3 Energy as an approach to reduce the GHG emissions in the Municipality.

SECTION 7 COMMUNITY IMPROVEMENT

Municipal Council has determined that all of the Hamlets and Villages shown on Schedule “A1” to the Official Plan shall form the community improvement areas in the Municipality of Bayham during the 2018-2038 planning period. Municipal Council may determine that additional community improvement project areas within the Municipality of Bayham may be identified subject to the criteria set out in this section.

7.1 COMMUNITY IMPROVEMENT GOALS AND OBJECTIVES

7.1.1 Goals

- 7.1.1.1 To stabilize preserve and improve existing and viable residential, recreational and commercial areas in the Hamlets and Villages of the Municipality of Bayham;
- 7.1.1.2 To utilize community improvement initiatives as an incentive to attract new commercial and light industrial establishments to the hamlets, with particular emphasis on the expansion of the industrial base in the Villages of Straffordville, Vienna and Port Burwell.
- 7.1.1.3 To safeguard the health, convenience and enjoyment of both residents and visitors by improving social, cultural and recreational facilities and services.
- 7.1.1.4 To protect and improve the economic well being of the Municipality and its residents by encouraging and/or participating in programs that will promote new jobs, new capital investment and increases in the economic base and municipal tax base, having regard for the cost/benefit relationship of such programs.
- 7.1.1.5 To improve the overall energy efficiency and environmental impact of development, with particular emphasis on development in settlement areas.

7.1.2 Residential Objectives

- 7.1.2.1 To improve conditions in older deteriorating but potentially stable and predominantly residential areas or neighbourhoods so as to maintain their long-term viability;
- 7.1.2.2 To encourage infilling in established residential neighbourhoods and under-developed areas designated for such land use so as to maintain the relatively compact configuration of development within the Hamlets and Villages;
- 7.1.2.3 To encourage rehabilitation and upgrading of existing housing stock so as to achieve and maintain a minimum standard of housing;
- 7.1.2.4 To upgrade municipal services, public utilities and social and recreational facilities;

7.1.2.5 To ensure that municipally operated facilities and community services are provided consistent with the identified needs of all residents in the Hamlets and Villages;

7.1.3 **Commercial Objectives**

7.1.3.1 To improve both parking and pedestrian facilities in the commercial areas;

7.1.3.2 To encourage the rehabilitation of existing commercial and institutional developments in the Hamlets and Villages;

7.1.3.3 To improve the overall attractiveness of the commercial areas in terms of aesthetics and public amenities;

7.1.3.4 To diversify and expand the economic base of the Hamlets and Villages, and to expand the range of services and shopping opportunities available in the Hamlets and Villages;

7.1.3.5 To prepare and implement a design scheme and marketing strategy for the “Commercial” designations in Straffordville, Vienna and Port Burwell.

7.1.4 **Other Objectives**

7.1.4.1 In addition to the specific Residential and Commercial objectives, the following objectives are intended to achieve the goals of Community Improvement:

- a) surface treat all local roads that are within the Municipality’s jurisdiction;
- b) provide curbs, gutters and asphalt on all collector and arterial roads in the Municipality;
- c) provide adequate street lighting on all local and arterial roads in the Municipality and on certain local roads where warranted;
- d) provide low intensity lighting on footpaths, lanes and in park areas;
- e) provide sidewalks in urban areas of the Municipality where it is warranted by pedestrian traffic;
- f) improve existing, and establish new parks, playgrounds, rest areas, open space areas, indoor recreational facilities and water access facilities;
- g) improve existing and establish new social and recreational facilities and programs for children, adults and senior citizens;
- h) phase out non-compatible land uses as identified by both the Official Plan and the Zoning By-laws;

- i) provide publicly-owned and operated sewage collection facilities to all urban property owners;
- j) provide publicly-owned and operated water services to all urban areas. The water shall be of a quality water distribution system shall be of a standard acceptable to the Ministry of Environment Conservation and Parks or their delegated authority;
- k) generally foster local economic growth;
- l) to promote the establishment, expansion, and rehabilitation of tourism and tourist destination-oriented uses within existing buildings;
- m) To encourage the establishment, expansion, and rehabilitation of agriculture-related and secondary uses within existing buildings in the agricultural area.

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

7.1.5 **Brownfields Redevelopment**

7.1.5.1 Brownfields Objectives

- a) To improve the conditions of former contaminated industrial and commercial sites in the Municipality's hamlets and villages.
- b) To encourage the redevelopment of existing or vacant industrial and commercial lands to residential or commercial developments.
- c) To improve the overall attractiveness of industrial and commercial areas in terms of aesthetics and public amenities
- d) To prepare and implement design schemes and marketing of former industrial and commercial lands in the municipality.

7.1.5.2 Brownfields Criteria

- a) Areas of industrial or former industrial uses or commercial or former commercial uses in need of rehabilitation.

- b) A need for improvement to or extension of municipal services including water mains, sanitary sewers, storm drains, sidewalks, cycling lanes, curbs and gutters and related public infrastructure.
- c) A need for aesthetic improvements or beautification which may enhance the viability of the industries or commercial businesses in the area.

7.1.5.3 Brownfields Policies

- a) Council may by by-law adopt incentives for the redevelopment of brownfields sites.
- b) Incentives may include tax incentives, reduced development fees or other provisions in accordance with the *Municipal Act*.

7.2 CRITERIA FOR THE SELECTION OF COMMUNITY IMPROVEMENT AREAS

7.2.1 Residential Criteria

- 7.2.1.1 A significant portion of the residential properties are in need of rehabilitation;
- 7.2.1.2 Deficiency of neighbourhood parkland such as playgrounds, rest areas etc., or other identified recreational facility resources;
- 7.2.1.3 Need for improvement to or extension of municipal services including water mains, sanitary sewers, storm sewers, storm drains and catch basins, pumping stations, street lights, roadways, sidewalks, curbs and gutters;
- 7.2.1.4 Stability of the existing pattern of residential land use.

7.2.2 Commercial Criteria

- 7.2.2.1 Areas of predominately commercial land use which are potentially stable and viable;
- 7.2.2.2 A need for improvement to or extension of municipal services including water mains, sanitary sewers, storm drains, catch basins, sidewalks, curbs and gutters and streetlights;
- 7.2.2.3 A need for aesthetic improvements or beautification which may enhance the commercial viability of businesses in the area;
- 7.2.2.4 An observed decline in the commercial assessment in the area and/or a decline in the number or variety of commercial establishments in the area.

7.2.3 **Other Criteria**

- 7.2.3.1 Condition and appearance of buildings, landscaping and other site features in relation to a Maintenance and Occupancy Standards By-law.
- 7.2.3.2 Condition and adequacy of municipal physical services such as roads, water systems, sanitary sewers, storm water drainage, sidewalks, lighting and hydro.
- 7.2.3.3 Condition and adequacy of municipal recreational services and facilities such as parks, play equipment, trails, beaches, sports fields, camping facilities and water access points.
- 7.2.3.4 Condition and adequacy of municipal, social and cultural facilities such as meeting rooms, museums, libraries and community centres.
- 7.2.3.5 Compatibility of land uses and uses of land in conflict with the Official Plan and/or the Zoning By-law.
- 7.2.3.6 Size, location and type of signage, adequacy, location and condition of off-street parking, commercial vacancy rate, pedestrian accessibility to businesses, appearance of street, including front and rear building facades and potential for expansion (inventory of serviced and zoned lands) in the Commercial designation, in addition to items i), ii) and v) above.
- 7.2.3.7 The area or site constitutes a vacant, underutilized, or vacant property that was previously developed and may be contaminated.
- 7.2.3.8 Any other environmental, social or community economic development reasons, in conformity with the policies of the County of Elgin Official Plan and this Plan.

7.3 **DELINEATION OF COMMUNITY IMPROVEMENT AREAS**

Municipal Council may designate by By-law, “Community Improvement Project Areas” within the overall Community Improvement Areas shown as Hamlets and Villages on Schedules “A1”, “B”, “C”, and “D”. These areas are eligible for “Community Improvement” as defined in the Planning Act. Municipal Council may designate by By-law “Community Improvement Project Areas”, the boundaries of which may be the entire Municipality or part of the Municipality of Bayham. These areas will be eligible for “Community Improvement” as defined in the Planning Act.

7.4 IMPLEMENTATION

7.4.1 Policies

- 7.4.1.1 Development applications within Community Improvement Project Areas will be evaluated considering the objectives of community improvement for that area;
- 7.4.1.2 The relative need for community improvements will be considered in the preparation of annual municipal capital expenditure budgets;
- 7.4.1.3 Municipal Council may acquire, hold and prepare land for the purposes of community improvement within designated Community Improvement Project Areas where appropriate;
- 7.4.1.4 The Municipality will enforce its Property Maintenance and Occupancy Standards By-law in order to maintain minimum standards of occupancy for any class or type of building, structure, or land use within the Community Improvement Area;
- 7.4.1.5 The Municipal Council will consider the granting of variances and the use of innovative or flexible zoning techniques as per the Planning Act, where such techniques would support community improvement objectives;
- 7.4.1.6 The Municipal Council will support proposals for infill development within the Community Improvement Area when it has been demonstrated that such infill development will not cause or contribute to land use conflicts;
- 7.4.1.7 The Municipal Council will consider delegations and proposals from organized community groups who itemize deficiencies and needs in local leisure resources and facilities;
- 7.4.1.8 Specific Community Improvement Projects will depend on the availability of Federal and Provincial grant and/or loan programs, Municipal resources, and on the relative need for physical improvements in specific areas.

SECTION 8 IMPLEMENTATION

8.1 GENERAL

The Official Plan of the Municipality of Bayham shall be implemented through the activities of both the private sector and the public sector. In the latter case, a variety of means shall be used to implement the policies of the Plan. These means shall include, but not be limited to, zoning by-laws, maintenance and occupancy standards by-laws, plans of subdivision and subdivision agreements, site plan agreements, consents, public capital works programs, the Provincial Policy Statement 2014 and other relevant or appropriate provisions of the Planning Act, the Municipal Act, the Ontario Building Code Act, or any other applicable act.

8.2 INTERPRETATION

8.2.1 Boundary Interpretation

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

8.2.1.2 Where the boundaries of areas designated as “Hazard Lands” are in doubt, the Municipal Council or its delegate shall consult with the Conservation Authority having jurisdiction and/or the Ontario Ministry of Natural Resources and Forestry to determine whether the Hazard Lands policies apply.

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

8.2.1.4 The boundaries of all Settlement Areas, as defined in Section 4 of the Plan, are deemed to be definitive and will be determined through the Municipality's digital mapping resources as illustrated on the attached land use schedules.

8.2.2 Other

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

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

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

8.3 DELEGATION OF AUTHORITY

8.3.1 Policies

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

8.3.1.2 The delegation of Council's authority pursuant to the Planning Act, may be assigned by resolution of Council in compliance with the said Act, to any of the following: a committee of the whole or part of Council; a planning advisory committee which may or may not include non-elected ratepayers of the Municipality; the Municipal Clerk; the Municipal Building Inspector and/or By-law Enforcement Officer; a Committee of Adjustment; the Elgin County Land Division Committee; or any other eligible person or persons as permitted by the provisions of the Planning Act, and as Council deems appropriate.

8.4 ZONING BY-LAWS

8.4.1 Comprehensive Zoning By-law

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

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

8.4.2 Non-Conforming Uses

8.4.2.1 Some uses of land existing at the date of adoption of this Plan may not satisfy all the land use policies set out in the Plan. In response to these situations and notwithstanding the land use policies and designations, such uses may be zoned in the Zoning By-law in accordance with their present use provided that:

- a) the zoning will not allow any change of use which will be detrimental to adjacent complying uses;
- b) the use does not constitute a danger or a nuisance to surrounding uses by the traffic, noise, odours, dust or visual impact which the use may generate;
- c) where the use is discontinued, rezoning may only take place if the new use is more compatible with or is in accordance with the policies and the spirit and intent of this Plan.

8.4.3 **Specific policy areas**

8.4.3.1 Designations and land use designations on Schedules “A1”, “B”, “C” and “D” may not be zoned for such uses or purposes immediately in the Zoning By-law. Certain areas may be placed in a “holding” category until such time as the conditions and circumstances necessary for development have been satisfied and without the need for an amendment to the Plan.

8.4.4 **Committee of Adjustment**

8.4.4.1 The Municipal Council shall appoint a Committee of Adjustment pursuant to the Planning Act, to deal with minor variances to the zoning by-law(s).

8.5 **AMENDMENTS, NOTICE REQUIREMENTS, PUBLIC PARTICIPATION AND APPEALS**

8.5.1 **Amendments**

8.5.1.1 The Municipality may by by-law require a Pre-application Consultation meeting with an applicant prior to the submission of a complete land use planning application. The applications shall include any privately initiated planning application as provided for through the Planning Act. The purpose of the meeting is to identify the complete application requirements related to reports or background studies for land use planning matters to be addressed or considered through the land use planning application review process.

8.5.1.2 The Municipality may require reports and background studies needed to make timely and informed decisions on all land use planning matters in accordance with the requirements of the Planning Act. Background studies may include but are not limited to:

- Land use planning and design;
- Environmental and natural heritage;

- Natural hazards;
- Transportation;
- Municipal servicing and infrastructure;
- Cultural heritage;
- Other land use planning matters arising through the pre application consultation that are of public health and safety;
- Land use justification report;
- Agricultural impact assessment; and/or,
- Archaeological assessment.

These studies will address how the land use planning application fulfills the requirements of the Provincial Policy Statement 2014 and its updates and revisions; the County of Elgin Official Plan; the Bayham Official Plan; the policies and regulations of any public agency or body having an interest in the application.

8.5.1.3 The Municipality will notify a person wishing to amend the Official Plan and/or Zoning By-law within 30 days of receipt of fees associated with an application to amend, whether or not an application is complete, or whether additional materials are required to constitute completeness.

8.5.1.4 If the Municipality fails to notify a person within 30 days of completeness of an application, that person may make a motion to the Local Planning Appeal Tribunal to determine whether any required information has been provided, or whether a request for information is reasonable.

8.5.1.5 Within 15 days of an affirmative notice of completeness of an application, the Municipality shall give notice of receipt of a complete application in the manners prescribed in the Plan.

8.5.2 **Notice Requirements for Comprehensive Official Plan Amendments, Comprehensive Zoning By-law Amendments & Community Improvement Plans and Amendments**

8.5.2.1 The public will be given the opportunity to present their views on proposed amendments to the Official Plan, Comprehensive Zoning By-law amendments or for Community Improvement Plans at a public meeting, which will be held by the Municipal Council in connection with the regular cycle of scheduled meetings.

- 8.5.2.2 The notice of a public meeting shall include a description of the nature and location of the proposed Official Plan amendment, Zoning By-law or Community Improvement Plan, and the place, date and time of the public meeting.
- 8.5.2.3 In the case of comprehensive Official Plan or Zoning By-law amendments which will affect the entire municipality, or a Community Improvement Plan, notice shall be given in accordance with the Planning Act to give the public reasonable notice, not less than 20 days prior to the date of the public meeting.
- 8.5.2.4 Notice of the adoption of an amendment to the Official Plan or Community Improvement Plan shall be given by prepaid first class mail to every person and agency that has given the Clerk of the Municipality a written request for such notice and has provided the Clerk with a return mailing address.
- 8.5.2.5 In the event that modifications to the proposed amendment to the Official Plan, Zoning By-law or Community Improvement Plan resulting from the public meeting are substantial in the opinion of the Municipal Council, another public meeting shall be scheduled to inform the public regarding the revised amendment or plan, and notice shall be given in the same manner and to the same persons as prescribed in subsections 8.5.1.3 or 8.5.1.4 of this Plan.
- 8.5.2.6 Proposed official plan amendments and proposed zoning by-law amendments which affect the same area or issues will be discussed at the same public meeting and shall be published as one notice where necessary according to the policies of Section 8.5.1 of this Plan and the Planning Act, as amended or revised from time to time.

8.5.3 **Notice Requirements for Site-Specific Official Plan and/or Zoning By-law Amendments**

- 8.5.3.1 In the instance of site-specific Official Plan or Zoning by-law amendment, notice shall be given in the manner prescribed in Section 8.5.2. In addition, property owners of the affected area and those within 120 metres of the affected area shall be identified as shown on the last revised assessment roll of the municipality at the addresses shown on the roll, or as indicated where the Clerk of the Municipality has received written notice of a change of ownership and the address of the new owner, shall receive additional notification through prepaid first class mail, to be posted not less than 14 days prior to the public meeting.

8.5.4 **Notice Requirements for Official Plan Updates, Zoning By-law Updates (Five Year Reviews) & Development Permit Systems**

8.5.4.1 If the Official Plan or Zoning By-law is being revised as part of the Five Year Reviews to update the documents, or policies regarding Development Permit Systems are being added to the Official Plan, an open house will be scheduled to give the opportunity to the public to review and ask questions about the proposed changes. Notice of the open house will be given in the same manner prescribed in Section 8.5.1.4 of the Plan and will not be held within 7 days of any mandatory public meetings.

8.5.4.2 In the case of Official Plan amendments related to a Five Year Review and/or Development Permit System policies, notice shall be given once a week in each of two separate weeks in accordance with the Planning Act to give the public reasonable notice, both of which are not less than 30 days prior to the date of the public meeting.

8.5.5 **Appeals**

8.5.5.1 Appeals to Official Plan Amendments, Community Improvement Plans and Amendments, Zoning By-laws and Amendments shall be administered pursuant to the requirements of the Planning Act

8.5.5.2 Any person or agency who, before the amendment or plan was adopted, made oral submissions at a public meeting or written submissions to the Council, may object to, or support any official plan or amendment, community improvement plan or amendment, or zoning by-law or amendment by filing in writing with the Clerk of the Municipality, in the case of Zoning By-laws and amendments, or to the Minister of Municipal Affairs and Housing (or delegated authority) for matters pertaining to Official Plans and amendments, pursuant to the Planning Act, the reasons for the objection or support of the plan, by-law or amendment thereto.

8.5.5.3 Any person or agency that files an objection pursuant to subsection 8.5.4.1 of this Plan with the intention of appealing the plan, by-law, or amendment thereto, to the Local Planning Appeal Tribunal for a hearing, shall clearly indicate such intentions within the written objection filed with the appropriate body pursuant to this Plan and the Planning Act, both as amended and revised from time to time.

8.6 PLANS OF SUBDIVISION

8.6.1 Policies

8.6.1.1 Plans of subdivision will generally be required where five or more lots are being proposed, and/or a new public street is required to accommodate the development. Only those plans of subdivision which conform to the policies of this Plan and the requirements of the Planning Act, shall be recommended for approval to the Minister of Municipal Affairs and Housing (or delegated authority) by the Municipality Council. The creation of lots may only be granted for up to four (4) lots per parcel of land, exclusive of the retained lot (four severed and one retained). Further lots from the original parcel of land existing as of the date of approval of this Official Plan, shall be reviewed under a plan of subdivision or condominium process to assess, among other matters, the feasibility of municipal sewer and water services and the cumulative environmental impact of the development.

Infilling and Rounding Out - In areas without full services, development shall be limited to minor infilling, minor extensions, and rounding out of existing development. Infilling shall mean the creation of a residential lot between two existing residences which are on separated lots and which are situated on the same side of the road. Minor extensions and rounding out shall mean the creation of lots adjacent to existing development which is intended to use the existing infrastructure and results in a minor increase of the built-up area.

8.6.1.2 The policies of this Plan and the requirements of the Municipality of Bayham regarding plans of subdivision will be implemented primarily through a subdivider's agreement between the Municipality and the subdivider, and through the application of the Zoning By-law.

8.6.1.3 Deleted.

8.6.2 Public Notification Procedure

8.6.2.1 In the instance of a proposed draft plan of subdivision, notice shall be given in accordance with the Planning Act to give the public reasonable notice, not less than 20 days prior to the public meeting. Land owners and tenants of the affected area or within 120 metres of the affected area shall be identified, as shown on the last revised assessment roll of the municipality at the address shown on the roll or as indicated where the Clerk of the Municipality has received written notice of a change of ownership or

occupancy, and shall receive additional notification through prepaid first class mail, to be posted not less than 20 days prior to the public meeting.

8.7 CONSENTS AND THE CREATION OF NEW LOTS

8.7.1 Elgin Land Division Committee

8.7.1.1 The granting of consents to sever and convey land in the Municipality of Bayham shall continue to be the responsibility of the Elgin County Land Division Committee.

8.7.1.2 Municipal Council or their delegated authority shall provide comments to the Elgin County Land Division Committee on all applications for consent to sever and convey land in the Municipality of Bayham.

8.7.2 Policies

8.7.2.1 A consent shall only be granted if the purpose for which the lands subject to the consent are to be used is in conformity with this Plan and the provisions of the Zoning By-law, and, when it is clear that a plan of subdivision need not be registered. Where a consent contravenes this Plan or the zoning by-law, no consent shall be granted unless the Plan and/or the Zoning By-law is amended and approved accordingly.

8.7.2.2 The policies of this Plan and the requirements of the Municipality regarding consents may be implemented through a site plan agreement between the Municipality and the applicant pursuant to the Planning Act.

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

8.7.2.4 A consent shall only be granted for the purposes of settling an estate where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if the estate is settled and a new lot or lots are created.

8.7.2.5 Consents for lot adjustments, lot additions, minor boundary changes, easements and rights-of-way, or correction of title are permitted in any land use designation, provided the severance does not result in the creation of a new lot, the severed and retained parcels comply with the other requirements of this Plan, the Zoning By-law, and where

applicable, the consent decision shall stipulate that Subsection 3 of Section 50 of the Planning Act, be applied to any subsequent conveyance of the severed parcel.

8.7.2.6 In the event a consent is granted which does not conform to the policies of this Plan, the Municipal Council may appeal the decision to the Local Planning Appeal Tribunal.

8.7.2.7 Consents abutting or adjacent to a Provincial Highway must meet the policies and guidelines of the Province of Ontario for access and are subject to permit approval.

8.8 MAINTENANCE AND OCCUPANCY STANDARDS

8.8.1 General

8.8.1.1 The Municipality shall endeavour to keep in a fit and well-maintained condition all municipally owned properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, water and sewerage facilities, and landfill sites.

8.8.2 By-law

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

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

8.8.2.2 The Municipality shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Maintenance and Occupancy Standards By-law, and a

Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.

8.9 NON-CONFORMING USES

8.9.1 Policies

- 8.9.1.1 Existing land uses which do not conform with the policies of the Official Plan or the land use designations shown on Schedules “A1”, “B”, “C” and “D” to the Official Plan may be recognized on specific sites as permitted uses in the Zoning By-law provided they comply with policies a, b, c, of subsection 8.4.2.1 of this Plan. In addition, uses that conform to the policies and land use designations of the Official Plan shall also be permitted on these sites.
- 8.9.1.2 Where an existing use is discontinued, new uses of land on these sites that do not conform to the policies and land use designations of the Official Plan may be permitted if they are in greater conformity with the Plan than the previous uses. All such new uses will be subject to an appropriate amendment to the Zoning By-law.
- 8.9.1.3 Where it is not appropriate or desirable to recognize existing land uses which do not conform with the Official Plan in the Zoning By-law, such uses shall be zoned in accordance with the designations and policies of the Official Plan. Provided these land uses legally exist at the date of the passage of the Zoning By-law, the land uses would be legal non-conforming uses. Any extension, enlargements or changes in non-conforming uses will be subject to the provisions of the Planning Act, and the policies of this Plan.
- 8.9.1.4 Legal non-conforming uses that have been destroyed or partially destroyed by fire, flood or other natural disaster, may be replaced or repaired provided that written permission is received from Municipal Council.
- 8.9.1.5 Prior to granting permission to repair or replace a non-conforming use and in order to minimize the detrimental effects of the non-conforming use, Council may enter into an agreement with the owner as to:
- a) the size and siting of the building or structure;
 - b) the mitigating of any adverse environmental impacts such as odours, dust, noise, drainage;

- c) the lighting and landscaping of the site including the provision of buffer planting;
- d) the provision of parking and loading facilities including the design of entrances and exits to the site.

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

8.10 MUNICIPAL SERVICES, PUBLIC HEALTH PROGRAMS AND PUBLIC WORKS

8.10.1 General

8.10.1.1 It is intended that the construction of public works and the construction of municipal services in the Municipality shall be carried out in accordance with the policies of this Plan.

8.10.1.2 The Municipal Council may participate, from time to time, in the Community Improvement programs of the Province of Ontario in accordance with the policies of Section 7.0 of this Plan.

8.10.1.3 The Municipal Council may at its discretion, circulate proposed Official Plan and Zoning By-law Amendments, and land use and development proposals to the Southwestern Public Health for their review and comments related to any potential public health significance.

8.10.2 Waste Disposal Sites

8.10.2.1 The following policies apply to development in proximity to all known/unknown active and former waste disposal / transfer sites situated both within the Municipality of Bayham and those situated in adjacent municipalities within 500 metres of the municipal boundary, and which are identified as land use constraints on Schedule "A2" to the Plan where their location is known.

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

- c) Any proposal for development within 500 metres of the perimeter of an operating or closed 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 measures to the satisfaction of the Ministry of the Environment Conservation and Parks and the Municipality.
- d) Lands that have been used for a landfill site cannot be developed or redeveloped within 25 years of closure until an approval pursuant to Section 45 of the Environmental Protection Act has been issued by the Minister of the Environment Conservation and Parks.

8.11 PHASING OF DEVELOPMENT

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

8.12 ONTARIO BUILDING CODE

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

8.13 LEGISLATION PURSUANT TO THE MUNICIPAL ACT

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

8.14 **OFFICIAL PLAN REVIEW**

8.14.1 **General**

8.14.1.1 This Plan shall undergo a comprehensive review in consultation with the public approximately every five years following its approval by the Minister to ensure:

- That it remains responsive to changing conditions and circumstances affecting the Municipality of Bayham including any revisions to policies or land use designations related to population growth and employment areas;
- That it conforms with Provincial Plans; has regard for matters of Provincial interest; and is consistent with the Provincial Policy Statement 2014.
- A full review of the Municipality's goals and objectives as outlined in Section 1.0 is reviewed for effectiveness, achievement, and possible revision.

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

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

8.14.1.3 Amendments to this Plan shall be processed in accordance with the policies of subsection 8.5 of this Plan.

8.15 **TEMPORARY USE BY-LAWS**

8.15.1 **General**

8.15.1.1 Notwithstanding the policies of the Agriculture, Hamlets, Commercial, Highway Commercial, Residential, Open Space, Industrial and Institutional designations, the Municipality may pass “temporary use by-laws” pursuant to Section 38 of the Planning Act, to authorize the uses as established in Section 8.15.3 of the Official Plan for a period of time not exceeding three (3) years.

8.15.1.2 Temporary Use By-laws may be passed to allow land, buildings or structures, to be used for a period of time that shall not exceed three years from the date of the passing of the temporary use by-law. Council may grant further periods of time, not more than three years each, during which the temporary use may be allowed. Upon the expiration of the time period(s) authorized by the by-law, the uses, buildings and structures that were permitted under the by-law cannot be continued as legally non-conforming uses, buildings and structures.

8.15.2 **Permitted Uses**

8.15.2.1 Temporary Use By-laws may be passed for temporary periods, the length of which shall be determined by Municipal Council, but not to exceed three years, to allow the establishment of:

- a) A mobile home for temporary residential accommodation pending the completion of a permanent dwelling;
- b) 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;
- c) A land use activity on a specific parcel of land which is appropriate in the short term, but is otherwise prohibited in the Zoning By-law.

8.15.3 **Criteria**

8.15.3.1 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 of the site, 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, prior to enacting a Temporary Use By-law;
- c) That parking required by the proposed use is provided on-site; and

- d) That the temporary use will be evaluated on the proposed servicing, and that the use will not create or increase any servicing problems on or off the site.

8.15.3.2 Municipal Council will use the following criteria in the evaluation of applications for Temporary Use By-laws for specific land use activities that are otherwise prohibited in the applicable zone:

- a) Temporary Use By-laws shall only be enacted for uses which will not preclude the future development of any lands for their most appropriate use, as defined by the Official Plan;
- b) 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, prior to enacting a Temporary Use By-law;
- c) Only uses which will not create land use conflicts or disrupt the use and development of neighbouring properties shall be authorized by Temporary Use By-laws;
- d) Notwithstanding the above policies, temporary uses that are not otherwise permitted by the Official Plan as permanent uses, may be permitted by Temporary Use By-laws.

8.16 USE OF HOLDING ZONES

8.16.1 Holding (h) Symbol Policies

8.16.1.1 It is the policy of the Municipality of Bayham to utilize Holding (h) symbols in zoning by-laws pursuant to the provisions of the Planning Act. Properties may be zoned for their intended use and the holding symbol "(h)" will be added after the zone symbol so as to indicate that the development of the identified lands cannot proceed until the holding symbol is removed.

8.16.1.2 Holding (h) symbols will generally be utilized on lands intended for development in the villages and hamlets of the municipality, but may be utilized in any land use designation.

8.16.1.3 Holding (h) symbols will not affect the existing use(s) of land provided those use(s) are carried on without a significant period of interruption.

8.16.1.4 The establishment of livestock uses on lands subject to holding (h) symbols in the villages and hamlets will be prohibited.

8.16.1.5 Removal of a Holding (h) symbol from any land use zone will be conditional upon satisfying certain requirements of the municipality regarding the development of the land. Such conditions may include, but not be limited to, the satisfying of certain financial and servicing requirements specified in a subdivision or development agreement entered into between a developer and the municipality, or by fulfilment of conditions of severance.

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

8.16.2 **Policies**

8.16.2.1 It is policy of the Municipality of Bayham to utilize “Holding Zones” pursuant to the provisions of Section 36 of the Planning Act, in the following instances:

- a) Where the use of land is established but where details of development have yet to be determined. The details of development to be determined would, for example, be situations where plans of subdivision or development proposals have been approved by the Municipality conditional upon financial and servicing issues being resolved.
- b) Where it is likely that the proposed land use will cause an adverse effect on the environment, the council shall require expert evidence from the proponent to demonstrate that the adverse effect can be overcome through the application of acceptable engineering and resource management practices.

- c) The undeveloped areas within the Municipality where the specific use of land has been established but where other development details have been determined but not yet resolved.
- d) The Residential areas where the lot area may be less than the provisions of the minimum provisions in the Zoning By-law and where provision of water and sewerage services are yet to be approved.

8.16.2.2 The exact nature of the holding provisions may be further detailed in the Zoning By-law.

8.16.2.3 The application of Section 36 by-laws will be limited to situations where council is satisfied that the details of development referred to in Section 8.16.1.1 are not so uncertain or complex that they pose an insurmountable obstacle to the proponent or the Municipality to overcome.

8.16.3 **Implementation of Holding Zone**

8.16.3.1 The holding provisions are implemented through the Zoning By-law. Properties may be zoned for their intended use and the holding symbol “h” will be added so as to indicate that the development of the site cannot proceed until the holding symbol is removed. Procedures for the removal of the holding symbol are outlined below.

8.16.3.2 The “Holding Zone” category may include provisions for interim permitted uses to be allowed on lands to which the holding provisions apply. Such uses could include open space uses, existing use of land and other uses which are deemed compatible with surrounding land and would not adversely affect the future development potential of the lands.

8.16.4 **Removal of Holding Zone**

8.16.4.1 Removal of the “h” zoning category from the land would be conditional upon satisfying certain requirements of the municipality regarding the development of the land. Such conditions may include, but not be limited to, the satisfying of certain financial and servicing requirements specified in a subdivision or development agreement entered into between the land developer and the Municipality. The agreement may specify a time limit that the “Holding Zone” can remain in effect and may contain provisions for repeal of the “Holding Zone” by-law should the owner not proceed expeditiously with the development of the land.

8.16.4.2 Prior to removal of any holding symbol, Council shall be satisfied, by the developer, that all conditions of any agreement have been met or will be met or fulfilled. The holding symbol shall be removed by by-law passed under Section 36 of the Planning Act. Notice shall be given by Council when a holding symbol is to be removed by by-law, and there can be no objection or referral to the Local Planning Appeal Tribunal. However, should council refuse to pass an amending by-law to remove the holding symbol, because the development is considered premature due to lack of demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to Local Planning Appeal Tribunal in the normal manner.

8.17 SITE PLAN CONTROL

8.17.1 Policies

8.17.1.1 The Municipality of Bayham designates the entire municipality as a site plan control area pursuant to Section 41 of the Planning Act, except for the following exempted areas and/or uses:

- a) Farm buildings and structures shall not be subject to site plan control with the exception of farm buildings and structures that house livestock and manure;
- b) The establishment of grain drying operations will be subject to site plan control where Municipal Council determines that a potential land use conflict may exist.

8.17.1.2 Notwithstanding the generality of the foregoing, any residential buildings or use which is situated, or proposed to be situated in a Hamlet Residential (HR) Zone; an Estate Residential (ER) Zone; a Rural Residential (RR) Zone or an Open Space Zone; or, which otherwise is permitted as an accessory residential building or use in any zone other than an Agricultural (A1) Zone shall be subject to site plan control, where 11 or more residential units are proposed. The application of site plan control measures for such uses or in zones as described herein shall however, be limited to such matters as controlling the location of access, parking, grading and drainage.

8.17.1.3 Municipal Council may require the drawings mentioned in paragraph 2 of subsection 41(4) in accordance with subsection 41(5) of the Planning Act, where site plan control is required.

8.17.1.4 The establishment of either a mobile home park or a seasonal travel trailer park shall be subject to site plan control, where 11 or more units are proposed.

8.17.1.5 The Municipality of Bayham adheres to the following objectives in the use of site plan control:

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

8.18 PARKLAND DEDICATION

In order to acquire and develop parks and open space areas, the Municipality shall require parkland dedication and cash-in-lieu of parkland in accordance with the following polices:

8.18.1 A dedication of five percent of the gross area of land proposed for development or redevelopment and/or a dedication rate of one hectare per 600 units at a maximum rate of 1 hectare per 1,000 units or the equivalent cash-in-lieu, of the gross area of lands being subdivided for residential purposes.

8.18.2 A dedication of two percent of the gross area of land proposed for development or redevelopment or the equivalent cash-in-lieu, of the gross area of lands being subdivided for commercial and industrial purposes.

8.18.3 Where land in a draft plan of subdivision is to be used for any use other than residential, industrial or commercial purposes, Council may require conveyance of land for park

purposes or equivalent cash-in-lieu at a rate of five percent (5%) of the gross area of the land proposed for development.

8.18.3 The monies received from cash in lieu payments may be used to purchase park and open space areas elsewhere in the Municipality or, for any other public recreational purpose.

8.18.4 The Municipality may accept cash-in-lieu of the land dedication to be paid into a special account and used as specified in the *Planning Act*. Council will consider cash-in-lieu of parkland dedication under the following circumstances:

- a) Where the required land dedication fails to provide an area of suitable shape, size or location for development as public parkland;
- b) Where the required dedication of land would render the remainder of the site unsuitable or impractical for development; and,
- c) Where it is preferable to have consolidated parkland of a substantial size servicing a wide area.

8.18.5 Where new development or redevelopment is proposed on a site, part of which has physical limitations or hazards, then such land shall not necessarily be acceptable as part of the land dedication under the *Planning Act*. All land dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality, and shall meet minimum standards in terms of drainage, grading and general condition.

8.19 CASH IN-LIEU OF PARKING

In order to acquire and develop public parking areas, the Municipality may accept cash-in-lieu of the provision of on-site parking into a special account and used as specified in the *Planning Act*. The monies received from cash in lieu payments shall be used to purchase public parking elsewhere in the Municipality or for any other public parking purpose. Council may consider acceptance of cash-in-lieu of vehicular parking under any one of the following circumstances:

- a) Where the required provision of on-site parking is restricted or limited due to the available lot area, the shape, physical limitations of the land or the location of parking for the intended use;
- b) Where the required provision of on-site parking would render the remainder of the site unsuitable or impractical for development; and

- c) Where it is preferable and in the public interest to have consolidated publically accessible parking located elsewhere in the Municipality.