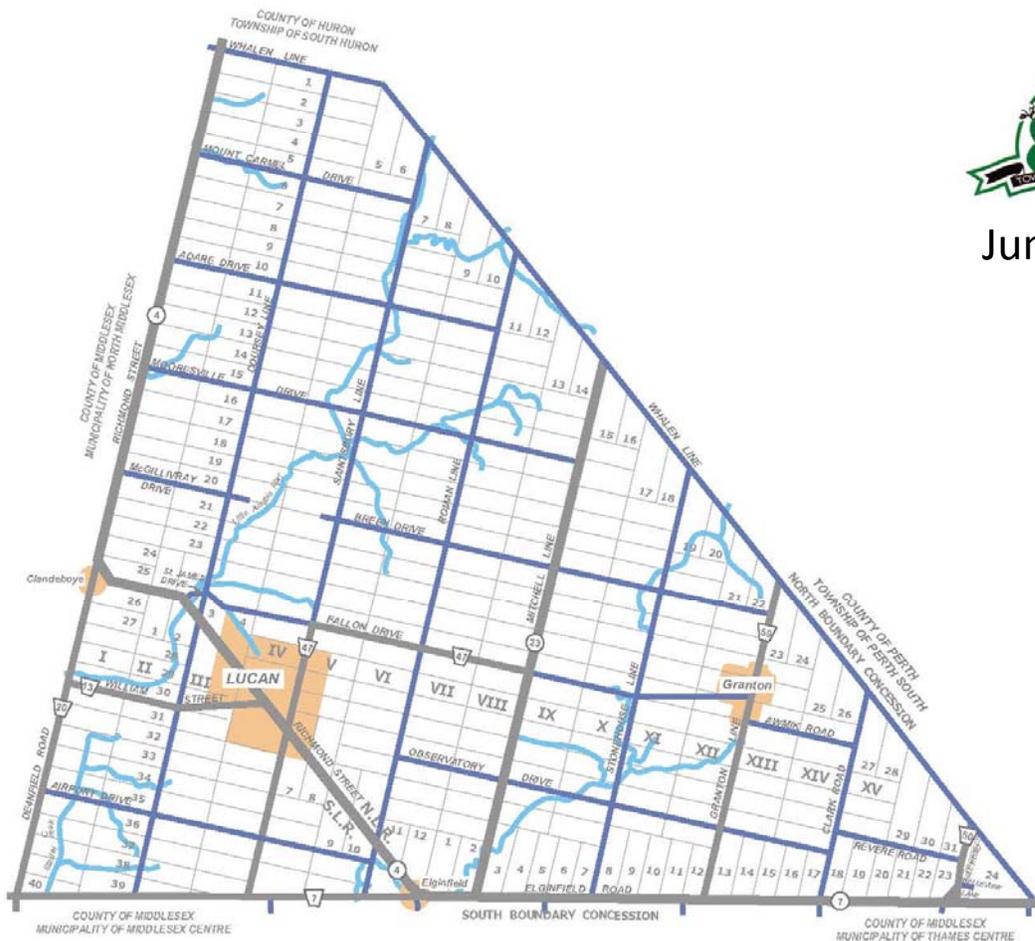


TOWNSHIP OF LUCAN BIDDULPH OFFICIAL PLAN



June 2015



Township of Lucan Biddulph
Official Plan
CONSOLIDATED VERSION
June 1, 2015

This Official Plan of The Corporation of the Township of Lucan Biddulph was adopted by the Council of the Township of Lucan Biddulph by By-law 37-2002 passed on June 4, 2002 pursuant to Section 17(22) of the Planning Act, R.S.O. 1990, as amended.

The County of Middlesex, being the delegated authority for official plans and amendments related thereto, approved the Township of Lucan Biddulph Official Plan with modifications on June 10, 2003 pursuant to Section 17(34) of the Planning Act, R.S.O. 1990, as amended.

This document represents an office consolidation of the Official Plan, containing modifications authorized by the County of Middlesex.

As of June 1, 2015, 6 amendments to the Official Plan have occurred, as outlined below, which have been adopted by the Township of Lucan Biddulph and approved by the County of Middlesex.

LIST OF OFFICIAL PLAN AMENDMENTS

OPA NO.	BY-LAW NO.	DATE OF ADOPTION	DATE OF APPROVAL	APPLICANT	LOCATION	EFFECT
1	65-2006	12/4/2006	3/13/2007	Township	Agricultural designation	<ul style="list-style-type: none"> ▪ adds Section 3.2.1.11 – allows disposal of surplus farm dwelling consents subject to criteria
2	66-2006	12/4/2006	3/13/2007	Township	Lucan	<ul style="list-style-type: none"> ▪ adds Section 2.1.14 – allows group homes in Mixed Use Residential and Central Commercial designation subject to criteria ▪ removes Section 2.1.7.3 – group homes in Mixed Use Residential designation
3	23-2011	5/16/2011	08/16/2011	Giesen / Lewis	14000 Elginfield Road	<ul style="list-style-type: none"> ▪ notwithstanding clause added to Section 3.2.1.11 to allow surplus farm dwelling consent
4	59-2013	11/18/2013	01/14/2014	1075230 Ontario Inc.	34297 Saintsbury Line, Pt lot 26, Con 4	<ul style="list-style-type: none"> ▪ amends Section 3.2.1.1 – allows redevelopment of an institutional use to an industrial use as Special Policy Area # 1

OPA NO.	BY-LAW NO.	DATE OF ADOPTION	DATE OF APPROVAL	APPLICANT	LOCATION	EFFECT
5	70-2014	11/03/2014	01/13/2015	Andrew Chapman	34445 Granton Line	<ul style="list-style-type: none"> ▪ amends Section 2.2.3.1 – establishes a Special Policy Area to permit the use of a ground floor of a commercial building for a residential use.
6	17-2015	3/04/2015	5/26/2015	Township	Township wide	<ul style="list-style-type: none"> ▪ implements 5 year review

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- SCHEDULE “D” - HAZARD LANDS**

1.0 INTRODUCTION

This document constitutes the first-ever Official Plan of the Township of Lucan Biddulph. The Township was formed in January 1999 by the amalgamation of the Township of Biddulph and the Village of Lucan. The Plan replaces the Official Plan and all amendments thereto of the former Township of Biddulph adopted in 1992 and the Official Plan and all amendments thereto of the former Village of Lucan adopted in 1978.

A new official plan for the Township of Lucan Biddulph is desirable not only as a result of the amalgamation of the two former municipalities, but to confirm and modify, where necessary, the Township's goals and land use policies in light of prevailing and future circumstances. Provincial policies and guidelines released since the adoption of the existing official plans and the adoption of a new County of Middlesex Official Plan in 1997 have a direct bearing on the planning and development of the Township and need to be taken into account in the new Official Plan of the Township.

The Township of Lucan Biddulph (2011 census population: 4,338) is a predominantly rural municipality, encompassing approximately 16,600 hectares (41,500 acres) and located in the County of Middlesex approximately 20 km north of the City of London. Its largest settlement, the Village of Lucan, is situated in the west-central portion of the Township. It functions as the Municipality's administrative and commercial centre and has increasingly taken on the role of a dormitory community. Other settlements in the Township include Granton and Clandeboye, both considerably smaller than Lucan. The Township's remaining settlements comprise relatively small, isolated clusters or strips of residential development.

Agriculture is arguably the economic mainstay and defining characteristic of the Township of Lucan Biddulph. Highly productive soils conducive to cash crop and livestock farming are extensive throughout the Township. Areas of low capability soils and/or marginal farmland are, on the other hand, quite limited. In terms of forest cover, woodlands account for less than five percent of the total land area of the Township.

The Little Ausable River valley meanders generally in a north-south direction through the westerly portion of the Township. Its natural setting, topography, scenic vistas and aesthetic characteristics make it the Township's most significant natural heritage feature.

The Township is serviced by a system of provincial highways, county roads and local roads. Highway No. 4 provides the most direct link to the City of London and constitutes the main traffic corridor passing through the Township.

1.1 PURPOSE

The Official Plan of the Township of Lucan Biddulph is designed to achieve a number of purposes, namely:

- a) To establish, in general terms, the type, form and desired pattern of land use and the approach to ensuring the wise management of the resource base in the Township;
- b) To provide a rationale and consistent basis for actions and decisions on all matters relating to the use of land, development, redevelopment and improvement of the Township;
- c) To ensure the health, safety, welfare, convenience and well-being of the existing and future residents of the Township;
- d) To assist other levels of government and public agencies concerned with or having an interest in the Township in making decisions and in determining their future actions affecting the Township;
- e) To inform the general public, special interest groups, private interests and enterprises of the intended nature and direction of the use of land, development, redevelopment and improvements in the Township;
- f) To provide the basis for the preparation, administration and amendment of zoning by-laws and other by-laws affecting the use and development of land in the Township.

1.2 ASSUMPTIONS

The Official Plan of the Township of Lucan Biddulph is based on the following assumptions:

- a) Agriculture will continue to be the predominant land use and the economic mainstay of the Township given stable or improved market conditions for agricultural products and a strong commitment to a land use planning approach which is supportive of farming and which strictly controls urbanization of the rural area;
- b) Strengthening and diversifying the economic base of the Township through the attraction of development and employment is desirable and is generally supported by the community;
- c) Modest growth and a controlled approach to development and land use change is in the best interests of the Township. Sound and wise management of the Township's natural resources are essential to the well being of the Municipality;
- d) The nature of farming in the Township requires that large, contiguous areas of productive land be reserved for farming purposes and activities, which are either supportive of, or complementary to, farming. The intrusion of incompatible or conflicting land uses, singularly or cumulatively, are potentially detrimental to farming in the Township and should be prevented;
- e) Development is able to be attracted to the Township and modest growth achieved by designating areas suitable and desirable for these purposes, by undertaking community improvements and by the adoption of an active promotional strategy without disruption to agriculture and the existing nature and character of the Township;
- f) Directing future residential development to existing settlements which have the facilities and infrastructure to service such development is in the best interests of these settlements and the Township;

- g) Changes may occur within the Township as a result of market forces, social trends, and the actions of other levels of government and other public authorities which the Municipality may have limited (if any) ability to control or influence.

1.3 GOALS AND OBJECTIVES

The Official Plan of the Township of Lucan Biddulph is based on the desire to achieve the following goals and objectives:

- a) To ensure a logical, orderly, compatible and efficient pattern of land use, land development and redevelopment;
- b) To achieve a modest and steady increase in the population of the Township;
- c) To generate increased employment opportunities for both existing and future residents of the Township;
- d) To maintain the predominantly agricultural character of the Township through the preservation of prime agricultural land and strict controls on the random urbanization of the rural area by non-farm related uses;
- e) To prevent contamination of ground and surface water;
- f) To increase the amount of forest cover;
- g) To protect, restore and enhance significant natural heritage features and built heritage features;
- h) To protect aggregate resource areas for extraction purposes;
- i) To direct the majority of future residential development to designated settlement areas;

- j) To undertake community improvements for the purposes of enhancing the quality of life for the residents of the Township;
- k) To provide a more diverse and more affordable range of housing opportunities for both existing and future residents;
- l) To maintain transportation corridors in order to provide for cross-jurisdictional access of regional amenities, including but not limited to public service facilities and health care facilities;
- m) To promote the availability of employment areas through the creation of committees that would advance the economic base.

1.4 TOWNSHIP DESIGN POPULATION

The most recent census population of the Township of Lucan Biddulph amounts to 4,338 person (Statistics Canada: 2011), of which an estimated 2,200 reside in the Village of Lucan and an estimated 300 persons in the Village of Granton. The remainder of the population (approximately 1,700 persons) reside in Clandeboye, other smaller settlements and in the rural area of the Township. Future population growth for the Township is expected to be modest. The additional population is to be directed primarily to areas of the Township where the provision of full municipal services is available, namely Lucan and Granton. Assuming a growth rate of 0.7% per annum and a current population of 4,338, the population of the Township is anticipated to be in the order of 4,821 by the year 2026 (Source: County of Middlesex Official Plan 5-Year Review – Population Projections).

1.5 GROWTH MANAGEMENT STRATEGY

The majority of future growth in the Township of Lucan Biddulph will be directed to the Village of Lucan and secondly to the Village of Granton. Both villages are serviced by a municipal water supply and sanitary sewage systems with reserve capacity sufficient to accommodate additional growth. In the County of Middlesex Official Plan, which under the Planning Act, this Plan is required to conform, Lucan and Granton are the only centres in the Township of Lucan Biddulph designated as ‘Settlement Areas’. Such areas are defined in the County Official Plan as areas where development is concentrated and contiguous and which have the potential to accommodate additional development.

Elsewhere, future residential development in the Township of Lucan Biddulph will be restricted, being directed to the hamlet of Clandeboye, limited locations along the Ausable River in areas designated 'Country Residential' and existing 'lots of record'. One extensive area of existing vacant lots lies along the south side of Highway No. 4 in Lot 9 and Lot 10, S.L.R. at the end of Nagle Drive. Non-agriculturally related industrial and commercial development will be directed to Lucan and Granton and to a few key locations considered suited to this type of development.

The growth management strategy is designed to limit the loss of prime agricultural land, to enable farm operations the ability to expand and adapt to changing marketing conditions and technology, and to minimize the potential for conflicts between farming and rural residents. It is also designed to make efficient use of the capital investment in infrastructure by the Municipality and the Province, to strengthen the existing established communities in the Township and to limit the costs to the Municipality associated with 'sprawl' or random urbanization of the countryside. The goals, objectives and policies of this Plan serve to express this strategy of growth management.

1.6 COUNTY OF MIDDLESEX OFFICIAL PLAN

The Official Plan of the County of Middlesex came into full force and effect on November 1997. It constitutes an upper tier official plan while the Township of Lucan Biddulph Official Plan constitutes a lower tier official plan. As such, under the Planning Act, this Plan is required to conform with the County Official Plan. In the event of a conflict between this Plan and the County Official Plan, the County Plan prevails to the extent of such conflict. In all other respects, this Plan remains in full force and effect. The Official Plan of the County of Middlesex is currently the subject of a five-year review. Any changes to the County Plan which ultimately come into effect will be reviewed to determine whether any issues of conformity arise with respect to this Plan and, if necessary, the Plan amended accordingly.

2.0 SETTLEMENT AREAS

2.1 LUCAN

The Village of Lucan, located in the west-central portion of the Municipality, is one of two settlements in the Township of Lucan Biddulph formally recognized as a 'Settlement Area' in the County of Middlesex Official Plan, the other being the Village of Granton. The County Plan defines a 'Settlement Area' as an "area where development is concentrated and contiguous and has the potential to accommodate additional development".

The Village is by far the largest settlement of the Township with a current population estimated to be in the order of 2,160 persons lying within an area comprising the former incorporated Village of Lucan and adjacent developed lands formerly in the Township of Biddulph. It is the administrative and commercial centre of the Township and has the infrastructure in place to accommodate most, if not all, of the anticipated growth of the Municipality. Given its proximity to the City of London and other employment centres, the Village has assumed a dormitory role offering affordable housing and relatively good accessibility.

Historically, Lucan has developed in a linear fashion along Main Street (Highway No. 4) and along the now abandoned Canadian National railway line resulting in a somewhat irregular layout of lots and streets. The downtown core consists of an area approximately one block deep along both sides of Main Street between William Street to the southeast and George Street and Stanley Street to the northwest. It is relatively compact and provides the Village with a unique sense of identity, characterized by a remnant stock of heritage buildings and a mix of commercial, institutional and residential land uses.

Outside the downtown core, commercial development has been less diverse and generally restricted to the northwesterly end of the Village along Main Street and at the southeasterly end of the Village at the intersection of Saintsbury Line and Main Street.

Industrial development, on the other hand, is generally limited to an area lying west of the downtown core on William Street and a few scattered locations elsewhere. The establishment of new industry in the Village has been limited due to a number of factors including accessibility, visibility, land availability and labour force characteristics. Both commercial and industrial establishments in the Village are typically small in terms of scale and employment.

The largest portion of the Village's land base is devoted to residential development, generally surrounding the downtown core. Single unit dwellings constitute the predominant housing type. A small number of multiple unit dwellings are scattered throughout the urban area, ranging from one to five storeys in height.

2.1.1 GOALS AND OBJECTIVES

The following goals and objectives will guide the planning, development, redevelopment and improvement of the Village of Lucan:

- a) To encourage and direct the majority of population growth and residential development in the Municipality to the Village of Lucan;
- b) To ensure development and redevelopment in the Village is adequately serviced and that the necessary infrastructure is in place to accommodate such activity;
- c) To encourage the development and maintenance of a strong, viable downtown core as the primary commercial centre of the Municipality with its own unique sense of identity and character;
- d) To recognize and support the role of highway commercial areas in accommodating land extensive, vehicular-oriented commercial establishments not suited to the downtown core;
- e) To encourage industrial development in areas suitable for such purposes and in a manner that does not detract from existing or planned residential and/or commercial areas;

- f) To maintain the essential qualities of privacy, quiet enjoyment, public health and safety, and land use compatibility in residential areas.

2.1.2 CENTRAL COMMERCIAL

The area designated 'Central Commercial' comprises the historic downtown core of the Village lying generally along Main Street (Highway No. 4) between George Street and Stanley Street to the northwest and William Street to the southeast. While commercial uses are intended to dominate, institutional, cultural and residential uses contribute significantly to the mixed-land use character and multi-functional role of the core.

Similar to many communities in southwestern Ontario, the downtown core of Lucan has suffered in recent years, reflected by vacant storefronts and undeveloped and underutilized properties. The extensive commercial development of the Masonville area of north London is believed to be a key factor. There are, nevertheless, signs of revitalization and a number of opportunities are apparent for redevelopment, infilling and the conversion of residential uses to commercial uses. Policies are designed to encourage economic and social vitality, compact development, public amenities, and preservation and enhancement of the historic streetscape.

2.1.2.1 Primary Uses

Within areas designated 'Central Commercial' on Schedule "A", a wide range of commercial uses will be permitted including retail stores, restaurants, specialty shops, financial institutions, business and professional offices. Other uses which enhance and strengthen the core's identity and function such as institutional and residential uses and tourist related activities are also permitted. A wide range of uses will be permitted to foster the diverse character of the core.

2.1.2.2 Residential Uses

While commercial uses dominate the core, the area has retained a significant residential component, which contributes to the character and activity of the core. A number of single unit dwellings remain, particularly on the north side of Main Street between Market Street and George Street. These dwellings are potential candidates for conversion to commercial purposes while still retaining a residential component. New residential units in the form of apartments over ground floor commercial uses and as a component of mixed-use developments will be encouraged.

2.1.2.3 Development and Redevelopment

Compactness of the core area will be encouraged and strengthened and intrusions into predominantly residential areas discouraged by preventing undue extensions while encouraging redevelopment, infilling and the conversion of existing non-commercial uses to commercial uses. New buildings and improvements and additions to existing buildings will be designed to in a manner to enhance and complement the core's existing heritage character through the use of compatible building materials and features and facade heights and building setbacks consistent with neighbouring buildings. Vehicular parking shall be located at the rear of buildings. Drive-in or drive-thru facilities will be discouraged. Signage may be controlled by guidelines and /or a sign by-law adopted by the Municipality. Standards for development will be designed to ensure compact development.

2.1.2.4 Core Area Improvements

Enhancement of the downtown core in terms of public amenities, façade restoration, green infrastructure, parking, maintenance and other features may be undertaken or otherwise facilitated by the Municipality in consultation with business owners, property owners and the community in general.

2.1.3 HIGHWAY COMMERCIAL

Areas designated 'Highway Commercial' are situated along Main Street towards the periphery of the Village. They are generally developed in a space extensive manner with buildings set back from the street and with generous provision for on-site parking in marked contrast to the intensive and compact form of development characteristic of the downtown core. The 'Highway Commercial' designation includes existing commercial development as well as lands considered suitable to accommodate future commercial needs.

2.1.3.1 Land Use

In areas designated 'Highway Commercial' on Schedule "A", uses will be characterized by those which cater to the needs of the automobile, the travelling public and single purpose shopping trips. Typical uses include motor vehicle sales and services, garden supply outlets, sale of bulk goods, restaurants and certain types of convenience retail and service outlets. The actual uses permitted shall be specified in, and regulated by, the provisions of the Zoning By-law.

2.1.3.2 Form of Development

Commercial development will be characterized primarily by buildings set back from the street and extensive areas for parking, outside storage and display. Efforts will be made to internally link adjacent development to minimize vehicle entrances and enhance public safety. In view of the location of areas designated 'Highway Commercial' at the main entrances to the Village and the tendency of highway commercial establishments to exhibit a non-distinctive appearance, a high standard of site design, creativity and amenities will be encouraged.

2.1.4 INDUSTRIAL

Lands designated for industrial purposes in the Village are generally limited to a largely developed area situated along William Street west of the downtown core. This area, which is dominated by an aged grain handling facility, constitutes the original site of industrial development in the Village along the former Grand Trunk Railway. The railway has since been removed and more strategically located sites for industrial development are available in the Township far removed from adjacent residential areas.

While undeveloped land designated for future industrial purposes is deliberately limited in this area due to existing and planned residential development, a few parcels may be found and redevelopment of existing developed sites is possible. Both municipal water supply and sanitary sewage services are available and accessibility is favourable.

2.1.4.1 Land Use

Within areas designated 'Industrial' on Schedule "A", industrial uses and uses having requirements or exhibiting characteristics similar to industrial uses shall be permitted provided such uses do not generate unacceptable levels of noise, vibration odours and/or particulates which would adversely affect adjacent residential areas. These uses may include activities engaged in the manufacturing, fabricating and assembling; processing of materials, goods or products; warehousing and storage of bulk commodities; repair, servicing and maintenance operations; transportation terminals and public utilities. Uses accessory to and specifically related to a primary use such as retail outlets, outside storage and office uses shall also be permitted. The actual uses permitted shall be specified in, and regulated by the Zoning By-law.

2.1.4.2 Buffering and Screening Measures

To ensure industrial development does not detract from or conflict with existing or planned residential development; adequate buffering, screening and/or setback measures will be required.

2.1.5 RESIDENTIAL

Areas designated for existing and future residential purposes in the Village of Lucan include existing residential development as well as lands for accommodating future residential development. While residential development has been traditionally and continues to be primarily in the form of low-density single unit detached dwellings thereby contributing to the ‘small town’ residential character of the Village, a demand exists for other housing types to meet the socio-economic needs of the community.

Undeveloped lands designated for residential purposes lie adjacent to existing residential areas to ensure contiguous development and the cost-efficient extension of services. Within existing developed areas, opportunities exist for redevelopment and infilling.

2.1.5.1 Land Use

Within areas designated ‘Residential’ on Schedule “A”, the primary use of land shall be for single unit detached dwellings. Other dwelling types are also permitted including semi-detached dwellings, duplex dwellings, converted dwellings, accessory apartments, townhouses and low-rise and small-scale apartment buildings. Secondary uses may also be permitted provided they complement and are compatible with these areas and do not detract from their predominantly residential character. These uses may include churches, schools, neighbourhood parks, nursing and rest homes, and home occupations. The actual uses permitted shall be specified in, and regulated by the Zoning By-law.

2.1.5.2 Scale, Density and Form

The scale, density and form of new residential development shall respect and be sensitive to the ‘small town’ character of the Village. At the same time, it is recognized that multiple forms of residential development will provide the potential for more affordable housing as well as housing more able to meet the increasingly diverse needs and preferences of the community. To ensure compatibility with existing development, the density and height of new residential development will be limited.

2.1.5.3 Plans of Subdivision

In evaluating plans of subdivision, the following factors shall be taken into consideration:

- a) the proposed development shall be a natural and logical extension of the developed area;
- b) unique or rare site features shall be preserved and enhanced;
- c) a variety of housing types and forms shall be encouraged
- d) stormwater management shall be required to minimize the potential for adverse affects on the receiving watercourse and shall be sensitively integrated with the proposed development;
- e) municipal services shall be available;
- f) amenities for future residents (e.g. sidewalks, lighting) shall be provided and be well designed;
- g) the impact of the Buffer Area as shown on Schedule “A”;
- h) the requirements of Section 8.3.

2.1.5.4 Conversions

The conversion of single unit dwellings to multiple unit residential dwellings may be permitted provided the following conditions are met:

- a) adequate size of individual dwelling units;
- b) adequate yards for outdoor, landscaped open space and on-site parking;
- c) compatibility with neighbouring dwelling types;
- d) maintenance of the quality of the streetscape.

2.1.5.5 Medium Density Housing

Medium density residential development in the form of townhouses, apartments and other forms of multiple unit housing shall be encouraged to locate where direct or proximate access to arterial or collector roads is available; where proximity exists to commercial areas, schools, and/or parks and open space; and where municipal services are available or capable of being made available. Intrusions into existing residential areas of predominantly single unit dwellings shall be discouraged and compatibility with the character and design of neighbouring development expected. Appropriate buffering and setbacks shall be provided where necessary to ensure compatibility. Standards regarding housing types, density, height, parking and landscaped open space shall be addressed in the Zoning By-law. Site plan control shall apply.

2.1.5.6 Housing Mix

Development proposals for large undeveloped parcels will be required to incorporate a range of housing types and densities, as permitted by this Plan, unless it is capable of being demonstrated that market, servicing, site conditions and neighbouring land use dictate otherwise.

2.1.5.7 Affordable Housing

The Township shall encourage housing forms and densities designed to be affordable to moderate and lower income households. The County has set a target that 20 percent of all housing be affordable based on an annual benchmark. The County will monitor and provide this figure on an annual basis.

2.1.5.8 Supply of Building Lots

The Municipality will attempt to maintain at all times, subject to limitations imposed as a result of servicing constraints and market demand, a minimum 10 year supply of land designated and available for residential development and intensification, and a 3 year supply of residential building lots.

2.1.5.9 Home Occupations

Home occupations shall be permitted provided they remain clearly secondary to the main residential use and are situated entirely within a dwelling or an attached garage, provided they are engaged in only by those residing in the dwelling and provided they do not create a nuisance or potential nuisance or detract in any way from the residential character of the area. The range or type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

2.1.5.10 Secondary Dwelling Units

In the interest of increasing the number of affordable housing units within the Township, one secondary dwelling unit may be permitted, in addition to a proposed or existing single detached, semi-detached or townhouse dwellings where they are a permitted use in the Zoning By-law. Such unit may be located in the main building or within ancillary structures. The Zoning By-law shall have regard for the following requirements in order to permit such units:

- a) Parking,
- b) Yard requirements to ensure amenity space, and

- c) Minimum and maximum floor area.

2.1.5.11 Intensification and Redevelopment

The Township supports intensification and redevelopment, most notably within Settlement Areas, as well as in areas where the appropriate levels of servicing are or will be available. As a result, the Township requires that 15 percent of development occur by the way of intensification and redevelopment.

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

Residential intensification and redevelopment is subject to the following policies:

- a) Forms of residential intensification and redevelopment shall only be permitted based on the level of water and wastewater servicing that is available in the Village of Lucan.
- b) Residential intensification and redevelopment may take the form of multi-unit dwellings, dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Township to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Township will ensure that:
 - i. For dwelling conversions, the exterior design of the dwelling is compatible with the surrounding area in terms of height, bulk, scale, and layout;
 - ii. For street infilling, the proposal is consistent with the established building line and setbacks of the surrounding area.

- iii. For rear yard infilling, the siting of buildings and parking areas must be done in a way which minimizes the impacts on neighbouring rear yards; allows for direct vehicular access provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.
- iv. For infill subdivisions, measures shall be considered, to buffer and screen the development from surrounding residential uses.

Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria.

2.1.6 MIXED-USE RESIDENTIAL

The 'Mixed-Use Residential' designation extends along Main Street beyond the downtown core. It constitutes primarily an established residential area where a limited amount of commercial development has occurred often through the conversion of single unit dwellings. While the area has lost a degree of its residential quality, it is attractive particularly to commercial uses seeking visibility to passing traffic, accessible on-street parking and residential style accommodation. Lying between lands designated 'Central Commercial' and 'Highway Commercial', it serves to strengthen the distinct identity of these two areas and maintain the compactness of the downtown core.

2.1.6.1 Land Use

Within areas designated 'Mixed Use Residential' on Schedule "A", the conversion of single unit detached dwellings to commercial uses will be permitted provided the residential character of the dwelling and the streetscape is maintained and compatibility with neighbouring residential uses is maintained. Typical uses include apartments, bed and breakfast establishments, business and professional offices, studios, funeral homes, day care centres, group homes and institutional uses. The actual uses permitted shall be specified in, and regulated by the Zoning By-law.

2.1.6.2 Maintaining the Residential Character

The residential character of the area and the streetscape shall be retained. On-site parking shall be restricted and landscaped open space shall be significant. Signage will be subdued. Demolition of existing dwellings and replacement with commercially designed buildings and insensitive additions to existing dwellings will be discouraged.

2.1.7 PARKS AND OPEN SPACE

Parks and public open space in the Village range in size and function - the largest one, being the Lucan Community Park situated on Main Street in the northwest end of the Village. It includes an arena / community centre as well as outdoor facilities for various 'field-type' sports and serves the needs of the Village as a whole as well as the surrounding rural area. Market Street Park and Elm Street Park are much smaller in scale and constitute more of a neighbourhood type facility in terms of size and function. The Village has considerably more parkland than what appears to be required and additional active parkland is not evidently required based on the total existing parkland, although neighbourhood type facilities may be required to meet local needs in areas undergoing development.

2.1.7.1 Land Use

Within areas designated 'Parks and Open Space' on Schedule "A", the primary use of land shall be for public parks, conservation areas, natural areas, recreation facilities and cemeteries. The Zoning By-law will specify the range of uses permitted as well as the standards, which would apply to buildings and structures accessory or complementary thereto.

2.1.7.2 Neighbourhood Parks

Neighbourhood parks may be established to meet local needs in areas developed for residential purposes. Such parks may be established in all land use designations. They shall be zoned as 'Open Space' in the Zoning By-law.

2.1.7.3 Acquisition of Parkland

Future parkland shall primarily be acquired through dedications as a condition of lands being subdivided or otherwise developed, or through purchase using monies received from cash-in-lieu of providing parkland in areas where parkland is not considered necessary or appropriate, or where the lands available for dedication would be insufficient in size or deficient in terms of location. Lands proposed to be dedicated to the Municipality shall be evaluated on the basis of the following criteria:

- a) proximity and access to existing recreational facilities and parks;
- b) proximity and access to users;

- c) size, shape, topography and drainage;
- d) development and maintenance costs;
- e) potential for expansion.

2.1.7.4 Land Ownership

Where lands designated as ‘Parks and Open Space’ are in private or quasi-private ownership, such designation does not imply that these lands are necessarily free and open to the general public or that these lands will be ultimately acquired or always maintained by the Township or any other public authority as open space. It is expected that these areas will be used and maintained as open space as long as conditions permit and that development of adjoining lands will be undertaken in such a manner which complements and ensures the long-term protection of these areas as open space.

2.1.8 INSTITUTIONAL

Institutional uses constitute public and quasi-public uses serving the educational, health, and social needs of the community. Typical uses include churches, schools, nursing and rest homes, community centres, quarters of community organizations and clubs, and government buildings and offices. They are often found throughout the community and depending on their scale, are generally compatible with most uses.

2.1.8.1 Areas Permitted

Institutional uses shall be permitted in all areas designated on Schedule “A”. New institutional uses shall be permitted subject to rezoning upon due consideration of:

- a) compatibility of the proposed use with neighbouring uses;
- b) availability and adequacy of municipal services;
- c) site suitability;
- d) adequate off-street parking;
- e) adequate buffering and landscaping between the proposed institutional use and neighbouring uses where a potential exists for adverse conflicts or impacts.

A dwelling or dwelling unit may be included within an institutional use if such dwelling is necessary to the operation and/or maintenance of the proposed use.

2.1.9 ROADS

The Village of Lucan is serviced by system of arterial, collector and local roads under the jurisdiction of the Municipality, the County and the Province. The function of the system is to ensure the efficient flow of traffic through and throughout the Village and access to abutting properties. The general location of arterial, collector and local roads is shown on Schedule “A”.

2.1.9.1 Arterial Roads

The primary function of arterial roads is to carry large to moderate volumes of all types of traffic at medium speeds through the Village. Main Street (Richmond Street – Highway No. 4), which virtually bisects the Village, is the only designated ‘Arterial Road’. Although a Provincial Highway, it is designated a ‘connecting link’ within the former Village limits. Within this area, the Municipality has jurisdiction over entrances, signage and land use.

2.1.9.2 Collector Roads

The primary function of ‘Collector Roads’ is to carry moderate volumes of traffic between arterial roads and local roads. Collector roads in the Village consist of William Street/ Alice Street (County Road No. 13) and Saintsbury Line (County Road No. 47).

2.1.9.3 Local Roads

All public roads, other than ‘Arterial Roads’ and ‘Collector Roads’ are designated ‘Local Roads’. The primary function of local roads is to provide direct access to abutting properties and to serve destination as opposed to through traffic. Most local roads will either have an origin or destination along their length.

2.1.9.4 Private Roads

The creation of private roads will only be permitted in accordance with the provisions of the Condominium Act where reconstruction and maintenance are clearly and fully the responsibility of a condominium corporation.

2.1.9.5 Road Allowances

The required road allowance shall be determined by the authority having jurisdiction. Generally, all local roads will have a minimum road allowance of 20 metres in width. A road allowance width less than 20 metres for a local road may be considered based on the length of the street, its traffic carrying characteristics and the form of development being proposed.

2.1.9.6 Design and Construction

Existing local roads will be redesigned and improved to current standards as conditions dictate and as funds permit. New local roads created as a result of a consent or plan of subdivision shall be designed and constructed to the standards of the Municipality prior to assumption. Where new local roads intersect Main Street, Saintsbury Line, and William Street – Alice Street, the location and design of intersections or intersection improvements shall be subject to the approval of the Ministry of Transportation and the County of Middlesex as the case may be.

2.1.10 PUBLIC WATER SUPPLY SYSTEM

The Village of Lucan is serviced by a system of watermains connected to a pumping station, situated west of the Village at the intersection of William Street (County Road No. 13) and Denfield Road (County Road No. 20). This station receives its water from the Lake Huron Water Supply System. A storage tower is located on the west side of Queen Street north of William Street. The current water supply system not only serves the Village but rural residences and establishments along William Street outside the Village. The design capacity of the system is equivalent to an estimated 6000 persons, based on a daily per capita consumption of 450 litres. Connection to the Lake Huron Water Supply System and abandonment of the former well system has eliminated a major constraint to development in the Village.

2.1.10.1 Connection to the System

All development, new and existing, shall be connected to and serviced by the public water supply system.

2.1.10.2 Monitoring

The Municipality will undertake the necessary monitoring and improvements to the water supply system to ensure the continued supply of an adequate, safe and secure supply of water to residents and establishments within the Village.

2.1.11 PUBLIC SANITARY SEWAGE SYSTEM

Similar to the water supply system, the sanitary sewage system servicing the Village of Lucan has been recently and substantially up-graded by the construction of a sewage treatment plant located on the north side of Fallon Drive and a major pumping station on Chestnut Street. The design capacity of the system is equivalent to an estimated 3000 persons. The upgrading from the former lagoon-type system lifted a development 'freeze' previously imposed by the Ministry of Environment. The lagoons, situated north of the Village, remain as an effective and cost-efficient stand-by system in the event of a failure at the plant, which would require it to be shut down pending repairs.

2.1.11.1 Connection to the System

All new development shall be connected to and serviced by the public sanitary sewage system. The Municipality will endeavour to connect all existing dwellings and establishments to the system as opportunities arise.

2.1.11.2 Servicing Studies Required

Outside the Benn/Whitfield Drainage Area (with the exception of the upper reaches of the Whitfield Drain), servicing studies will be required prior to development to determine the optimal location of a required pumping station capable of servicing additional development in that watershed and the routing of the required forcemain to a suitable outlet either at the main pumping station or to a trunk main with adequate design capacity.

2.1.11.3 Future Improvements

The Municipality will undertake, at the appropriate time, those engineering and environmental studies necessary to determine improvements required to the sanitary sewage system to service a population beyond 3000 persons.

2.1.12 STORMWATER MANAGEMENT

While the Village of Lucan lies within the watershed of the Little Ausable River, there are a number of subwatersheds within the Village, the largest being the Benn/Whitfield Drainage Area. Others include the Engel Drain, Hardy Drain and the Haskett Drain. A Master Drainage Plan has been prepared for the Benn/Whitfield Drainage Area.

2.1.12.1 Master Drainage Plan

The Municipality will require the preparation of a master drainage plan, satisfactory to the Ausable Bayfield Conservation Authority and the Ministry of Environment, before approving any plan of subdivision or other significant development in the watersheds associated with the Engel Drain, Hardy Drain and the Haskett Drain as shown on Schedule “A”.

When considering the development of stormwater management facilities, the following shall be planned for:

- a) Minimize, or, where possible, prevent increases in contaminant loads;
- b) Minimize changes in water balance or erosion;
- c) Not increasing risks to human health and safety and property damage;
- d) Maximize the extent and function of green infrastructure, including but not limited to, vegetative and pervious surfaces; and
- e) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

2.1.12.2 Watershed Boundaries

Modifications to the boundaries of watersheds shown on Schedule “A” are anticipated as a result of minor re-grading to facilitate orderly development. Such modifications will be subject to the approval of the Municipality and the Ausable Bayfield Conservation Authority but will not require an amendment to this Plan.

2.1.13 GROUP HOMES (OPA #2)

Group homes are generally defined as a dwelling accommodating persons living in a supervised environment who, for social, health or similar reasons require, or benefit by, a group living arrangement. While the demand for group homes is limited in the Township given its population, providing for such accommodation is expected by the Province and the Municipality.

2.1.13.1 Location

Group homes shall be restricted to the Village of Lucan to areas designated “Central Commercial” and “Mixed Use Residential” as shown on Schedule “A”. Group Homes shall be restricted to the corresponding land use zones by the Zoning By-law.

2.1.13.2 Types

Group homes shall be differentiated by type in the Zoning By-law. The maximum number of occupants and the minimum separation distance between them shall be specified in the Zoning By-law to ensure land use compatibility with the nature and scale of neighbouring land uses.

2.1.13.3 Registration

The registration of group homes shall be required in accordance with the provisions of the Municipal Act. As a condition of registration, the proponent shall be required to demonstrate that the group home is in compliance with the Ontario Building Code, the Ontario Fire Code and the Township’s Zoning By-law. The registration of group homes shall be subject to annual renewal and a prescribed fee.

2.1.13.4 Public Input

The Municipality shall notify neighbouring property owners of any application received to establish a group home and provide an opportunity for public input prior to registration.

2.1.14 ACTIVE TRANSPORTATION

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. The development of any such systems should be designed in a manner which promotes inclusivity and accessibility. It is intended that such systems would provide linkages to parks and recreation facilities, institutional facilities and, existing and proposed public or private trail systems, both locally and regionally. In addition, it is further the policy of this Plan to support and encourage the development of sidewalks for pedestrian movement within the Village of Lucan.

2.2 GRANTON

The Village of Granton, the second largest settlement after Lucan and the only other 'Settlement Area' formally recognized in the Township of Lucan Biddulph by the County of Middlesex Official Plan, is located in the east end of the Municipality. It functions primarily as a small rural dormitory/retirement community of single unit detached dwellings. Current population is in the order of 300 persons. Development of Granton occurred historically in a linear fashion along Main Street, also known as Granton Line (County Road No. 59), and to a lesser extent along the since abandoned (and now removed) CN railway.

The Village's commercial core has been virtually abandoned being adversely affected by expanding retail facilities in the north end of the City of London, improved transportation and a small population base. Relatively compact, it was not long ago that the core included several retail and service uses. While opportunities exist for revitalization through the reuse and redevelopment of vacant commercial space, a larger resident population is required to sustain economic viability.

Industrial uses are limited to a large grain handling facility. While serving the needs of the farm community, its continued existence poses a development constraint with respect to future residential development in close proximity to it. The Ministry of the Environment has identified a potential influence area of 300 metres around facilities such as commercial grain handling facilities where a potential exists for adverse impacts on sensitive (e.g. residential, institutional) land uses.

Over the past 20 years, the Village of Granton has experienced little change. Growth, with the exception of minor infilling, has been limited due, in part, to the lack of full municipal services and a resultant 'development freeze'. A new municipal fire hall has, however, recently been constructed and a municipal sanitary sewage system is now in operation thereby lifting the 'freeze'. The recent reconstruction of the main roads and the removal of the railway have served to make a marked improvement in the physical appearance of the Village. Being within a reasonable commuting distance to London and now possessing the necessary infrastructure, the prospects for development in Granton are much improved and far better than they have been in a long time.

2.2.1 GOALS AND OBJECTIVES

The following goals and objectives will guide the planning, development, redevelopment and improvement of the Village of Granton:

- a) To encourage small scale, limited residential development in keeping with its established character and role as a small settlement area capable of accommodating modest growth;
- b) To ensure that future growth and development is adequately serviced and is within the Municipality's ability to provide the necessary infrastructure;
- c) To encourage the revitalization of a viable commercial core as the centre of the Village providing basic goods and services and with its own sense of character and identity;
- d) To improve the physical appearance and amenities of the Village and to foster a strong sense of community.

2.2.2 COMMERCIAL

The area designated for commercial activities in the Village of Granton comprises primarily the historic downtown core lying along Main Street (County Road No. 59) between Ann Street and Isabella Street to the north and Fallon Drive and Station Drive to the south. A secondary area lies on the east side of Main Street north of Levitt Street. These areas are considered sufficient and suitable to accommodate future commercial needs.

2.2.2.1 Land Use

Within areas designated 'Commercial' on Schedule "B", a full range of retail and service uses shall be permitted. Institutional uses, residential uses as secondary uses and other non-commercial uses considered compatible with commercial development may also be permitted in the downtown core.

For lands designated 'Commercial – Special Policy Area No.2' on Schedule "B" and legally escribed as part of Lots 9 and 10 on Plan 221 (geographic township of Biddulph), Township of Lucan Biddulph and known municipally as 34445 Granton Line, ground floor residential uses shall also be permitted.

2.2.2.2 Core Area Development

Compactness of the core area as designated on Schedule "B" will be retained and strengthened through focusing on the use of the existing underutilized building stock and encouraging redevelopment, infilling, and conversion of existing non-commercial uses.

2.2.3 INDUSTRIAL

Industrial development in the Village is limited to a long established grain handling facility situated at the east-end of Levitt Street, just south of the former railway. The Village has not been a prime location for industry nor likely to become one having a small labour force and being quite removed from major transportation arteries. Other than small-scale fabricators and service uses, the prospects for industrial development are considered, at best, remote.

2.2.3.1 Land Use

Within areas designated 'Industrial' on Schedule "B", a broad range of industrial uses and uses having requirements or exhibiting characteristics similar to industrial uses shall be permitted. The Zoning By-law will specify the actual range of uses permitted as well as the standards governing the use of land and the erection of buildings and structures.

2.2.3.2 Servicing Requirements

In view of the limited servicing capacity of the Village, industrial uses with major servicing requirements and which depend on municipal services to meet their needs will be discouraged.

2.2.4 RESIDENTIAL

Residential development in the Village of Granton is its most significant land use. It is predominantly characterized by low-density single unit detached dwellings, located for the most part in areas north of the former railway.

2.2.4.1 Land Use

Within areas designated 'Residential' on Schedule "B", the primary use of land shall continue to be for single unit detached dwellings. While residential development has traditionally been in the form of low density single unit detached dwellings, other dwelling types may also be permitted including accessory apartments, semi-detached dwellings, duplex dwellings, converted dwellings, townhouses and similar scale multiple dwelling developments. Secondary uses will also be permitted provided they are compatible with and complementary to residential development. These uses would be generally restricted to home occupations, parks and open space and institutional uses.

2.2.4.2 Home Occupations

Home occupations shall be permitted provided they remain clearly secondary to the main residential use and are situated entirely within a dwelling or an attached garage, provided they are engaged in only by those residing in the dwelling and provided they do not create a nuisance or potential nuisance or detract in any way from the residential character of the area. The range or type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

2.2.4.3 New Residential Development

New residential development will be encouraged within the existing built-up area of the Village, adjacent areas and, in particular, south of the former railway on the west side of Main Street. In the latter instance, cost-efficient development on full municipal services will create a more balanced community relative to the northern half of the Village.

2.2.4.4 Secondary Dwelling Units

In the interest of increasing the number of affordable housing units within the Township, one secondary dwelling unit may be permitted, in addition to a proposed or existing single detached, semi-detached or townhouse dwellings where they are a permitted use in the Zoning By-law. Such unit may be located in the main building or within ancillary structures. The Zoning By-law shall have regard for the following requirements in order to permit such units:

- a) Parking,
- b) Yard requirements to ensure amenity space, and
- c) Minimum and maximum floor area.

2.2.4.5 Intensification and Redevelopment

The Township supports intensification and redevelopment, most notable within Settlement Areas, as well as in areas where the appropriate levels of servicing are or will be available. As a result, the Township requires that 15 percent of development occur by the way of intensification and redevelopment.

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

Residential intensification and redevelopment is subject to the following policies:

- a) Forms of residential intensification and redevelopment shall only be permitted based on the level of water and wastewater servicing that is available in the Village of Granton.

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

Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria.

2.2.4.6 Affordable Housing

The Township shall encourage housing forms and densities designed to be affordable to moderate and lower income households. The County has set a target that 20 percent of all housing be affordable based on an annual benchmark. The County will monitor and provide this figure on an annual basis.

2.2.5 PARKS & OPEN SPACE

The Village of Granton has more parkland than what it would appear to be required. The Granton Community Park, located in the northeast quadrant of the Village at roughly 3 ha (7.5 acres) in size is a relatively large, multi-purpose facility. It serves both the residents of the Village and the surrounding area. In the event development takes place in the south end of the Village, a small neighbourhood park may be desirable to serve this area of the Village.

2.2.5.1 Land Use

Within areas designated 'Parks and Open Space' on Schedule "B", the primary use of land shall be for outdoor recreation uses and facilities. Small neighbourhood parks may be established in any land use designation. The Zoning By-law will specify the full range of uses permitted as well as the standards which will apply to buildings and structures accessory or complementary thereto.

2.2.5.2 Parkland Dedication

Lands for park purposes will be acquired through land dedications or from cash-in-lieu payments in accordance with the provisions of Section 2.1.7.3.

2.2.6 INSTITUTIONAL

Institutional uses usually refer to public and quasi-public uses meeting the social, health, spiritual, educational and similar non-commercial needs of the community. Depending on their scale, they are compatible with most other uses. In the Village, existing institutional uses are quite limited and small in scale.

2.2.6.1 Areas Permitted

In view of their nature, institutional uses shall be permitted in all areas designated on Schedule "B". New institutional uses shall be permitted subject to a rezoning upon due consideration of:

- a) compatibility of the proposed use with neighbouring uses;
- b) availability and adequacy of municipal services;
- c) site suitability;

- d) adequate off-street parking;
- e) buffering and landscaping between the proposed institutional use and neighbouring uses where a potential exists for adverse conflicts or impacts.

A dwelling or dwelling unit may be included within an institutional use if such dwelling is necessary to the operation and/or maintenance of the use.

2.2.7 MUNICIPAL SERVICES

Municipal services in the Village include the water supply system and sanitary sewage system. The municipal water supply is derived from the Lake Huron Primary Water Supply System. The sanitary sewage system, operational in 2001, features a mechanical treatment plant. The design capacity of both the water supply and sanitary sewage system is estimated to be in the order of 600 persons.

2.2.7.1 Public Water Supply System

All new and existing development in the Village of Granton shall be connected to and serviced by the public water supply system.

2.2.7.2 Monitoring

The Municipality will undertake the necessary monitoring in accordance with its statutory obligations and accepted practices to ensure that the public water supply system is adequate and remains safe to meet the existing needs of the community.

2.2.7.3 Public Sanitary Sewage System

All existing and new development in the Village of Granton shall be connected to and serviced by the public sanitary sewage system.

2.2.7.4 Future Improvements

The Municipality shall undertake, at the appropriate time, those engineering and environmental studies necessary to determine the improvements to the public water supply system and sanitary sewage system required to service a population beyond the capacity of the existing systems.

2.2.8 ACTIVE TRANSPORTATION

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. The development of any systems should be designed in a manner which promotes inclusivity and accessibility. It is intended that such systems would provide linkages to existing and proposed public or private trail systems, both locally, and regionally. In addition, it is further the policy of this Plan to support and encourage the development of sidewalks for pedestrian movement within the Village of Granton.

3.0 RURAL AREA

The Township of Lucan Biddulph is relatively flat to gently undulating and has been extensively cleared for agricultural purposes. The most significant relief in topography is the valley of the Little Ausable River, which generally meanders in a north-south direction through the westerly part of the Municipality.

The Stratford Till Plain constitutes the dominant physiographic region of the Township. Surficial soils are generally described as either being silt loam or clay loam and require artificial drainage for productive farming. These soils are predominantly used for growing cash crops and grains. Livestock farming is well established.

The economic mainstay of the Township is agriculture, which dominates all other land uses in terms of land area. While the ‘backbone’ of the farming community continues to be the small farming operation, large corporation farms are becoming more prevalent and appear to be the growing trend. On the other hand, the Township is relatively poor in terms of high quality aggregate resources compared to other municipalities in the region.

Agricultural lands are extensive with few notable exceptions; namely, lands associated with the Little Ausable River and Thames River and their tributaries as well as woodlands, a wetland and small pockets of marginal farmland. Two woodland areas are deemed to be ‘areas of natural significance’ and one wetland is considered locally significant.

Other than the communities of Lucan, Granton and Clandeboye, concentrations of residential development are generally limited to linear pockets at selected locations along County Road No. 7 and Highway No. 4 and along the Little Ausable River. Most of these concentrations of rural residential development date back to a time when land use controls were non-existent in the Township. Residential development along the Little Ausable River has been permitted at selected locations by the former Township of Biddulph Official Plan.

A strong commitment to preventing random urbanization of the rural area has been and, should continue to be, successful in maintaining the rural character of the Township and, in minimizing conflicts between agricultural uses and non-compatible land uses. A planning policy focused on directing the majority of growth to the Village of Lucan, the Village of Granton and otherwise at a few limited instances should reduce the pressure for rural residential development.

3.1 GOALS AND OBJECTIVES

The following goals and objectives will guide the use of land and maintain the character of the rural area of the Township of Lucan Biddulph:

- a) To maintain agriculture as the predominant use of land in the rural area;
- b) To ensure intensive livestock operations are properly managed to minimize the potential for adverse environmental impacts;
- c) To enable those engaged in agriculture, the freedom and flexibility to operate their farms effectively and efficiently without undue interference from the intrusion of non-agricultural conflicting uses;
- d) To recognize the legitimate requirements and needs of certain farm related uses to establish in the rural area;
- e) To prevent incompatible development within natural heritage features and to minimize any adverse impact of permitted development on such features;
- f) To retain and enhance significant woodlands, significant wetlands and the valley of the Little Ausable River in their natural state in terms of ecological function, and natural and scenic quality;
- g) To promote and encourage the retention of existing woodlands, corridors and linkages within the Township;

- h) To recognize the importance of woodlands to the long term productivity and viability of agricultural lands due to their moderating effects on wind, moisture, temperature and their associated benefits to sustaining agricultural production;
- i) To protect active licenced gravel pits from incompatible land uses;
- j) To discourage the further scattering of rural residential development throughout the Township.

3.1.1 AGRICULTURE

Agriculture is the predominant use of land in the Township of Lucan Biddulph. High capability agricultural land, based on soils mapping by the Ontario Institute of Pedology and the Canada Land Inventory System, is extensive throughout the Township. Cash crops and livestock farming are the dominant farming types, however, there is a growing trend towards both large cash crop operations and large intensive livestock operations. The Municipality is increasingly concerned about the impact of these large livestock operations and particularly the generation of large volumes of liquid manure. Lands designated 'Agricultural' cover most of the Township. Marginal or unproductive lands are limited and generally associated with alluvium and valley complex soils of the Little Ausable River and its associated tributaries.

3.1.1.1 Land Use

Within areas designated 'Agricultural' on Schedule "C", the primary use of land shall be for farming and buildings, structures and facilities accessory to farming. A full range of farming types shall be permitted including livestock farming, cash crop farming, specialty farming, mixed farming, horticulture, forestry and general farming. Secondary uses may also be permitted including agriculturally-related commercial and industrial operations, passive outdoor recreation uses, natural areas and conservation lands, wayside pits and home-based businesses. Where these uses would conflict with farming operations or would reduce the farming options or flexibility on adjacent or surrounding farmland, they shall not be permitted.

(OPA 4) Notwithstanding any other section of the Official Plan, Section 3.1.7, being the policies governing lands designated Industrial in the Rural Area of the Township, shall apply to facilitate the redevelopment of an institutional use to an industrial use for lands identified as Special Policy Area #1, as shown on Schedule 'C' to this Official Plan, legally described as Part of Lot 26, Concession 4 (geographic Township of Biddulph), Township of Lucan Biddulph and known municipally as 34297 Saintsbury Line.

The Township supports on-farm diversification through the establishment of agri-tourism operations. Such operations are defined as agricultural, horticultural or agri-business operations used for the purpose of enjoyment, education or active involvement in the activities of the farm where the principle activity on the property remains as farming and where products used in the activity are produced on the property or related to farming. Such activities may include: farm tours; processing demonstrations; pick-your-own-produce; a hay or corn maze; petting zoo; hay rides and sleigh, buggy or carriage rides; or a farm theme playground for children. Consideration shall be had with respect to scale, character, and servicing of such operations to ensure that such uses remain secondary to the main agricultural operation. All proposed agri-tourism operations shall require an amendment to the Zoning By-law.

3.1.1.2 Tree Planting and Woodlands

The Municipality recognizes the importance of trees, woodlots and woodlands and the relatively low forest coverage in the Township. The cutting of trees and the clearing of woodlots and riparian zones along watercourses shall, therefore, be discouraged except as may be provided for in accordance with the County of Middlesex [Tree Cutting By-law](#). In such cases, the owner shall be encouraged to plant and maintain a woodlot, equivalent or superior in size and species to the area to be cleared, elsewhere in the Township. The Municipality will support, to the extent its resources permit, the efforts of other public bodies, organizations and landowners to improve the amount and quality of woodlands in the Township.

3.1.1.3 Livestock Operations

The expansion of existing livestock operations or the establishment of new livestock operations which result in a livestock operation greater than 10m² in area shall be subject to the following criteria:

- a) 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:
- i. MDS 1 is not applied to surplus farm dwelling severances when a dwelling is already located on a lot separate from the subject livestock facility; lands 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;
 - ii. MDS 1 shall apply to all existing lots of record that are designated “Agricultural”
 - iii. 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;
 - iv. For the purposes of MDS 2, cemeteries shall only be recognized as a Type A land use when there is no place of worship located on the same lot as the cemetery.

3.1.1.4 Severing of Agricultural Lands

The severing of agricultural land into smaller parcels shall be discouraged. Where the severing of agricultural land is proposed, the owner must demonstrate that the resulting parcels would constitute productive or logical farm units or viable farm enterprises and would not have a detrimental impact on agricultural productivity, operating efficiencies or future farming options. Generally, both parcels should be at least 40 ha in size. In considering such proposals, the following factors shall also be taken into account:

- a) the effect of the severance on the fragmentation of farmland and the need to discourage the unwarranted fragmentation of farmland;
- b) the agricultural capability and productivity of the land;
- c) whether the size of the parcels are appropriate to the type of agriculture being engaged in or proposed to be engaged in and the type of agricultural activity and farm lot size common in the area;
- d) the minimum farm parcel size as established in the Township’s Zoning By-law;
- e) the County of Middlesex Official Plan and the Provincial Policy Statement;
- f) the requirements of the Planning Act;

- g) whether the new parcels are sufficiently large to maintain flexibility to accommodate future changes in the type or size of agricultural operations.

3.1.1.5 Housing for Farm Help

Temporary Dwelling Unit. Temporary housing for farm help or a “garden suite” as defined in the Planning Act may be permitted in the Agricultural designation. Such dwelling shall be designed and constructed in a manner which is capable of being readily removed from the farm when no longer required. The Municipality shall consider requests on a case-by-case basis and utilize the temporary use provisions of the Planning Act to regulate the location, type of construction, and duration of housing for these purposes. Prior to the enactment of a temporary use by-law, an agreement with the Municipality shall be executed to ensure that the dwelling is removed from the farm when no longer required, the lands are restored to the satisfaction of the Municipality, and sufficient financial security is provided. Severing of a garden suite from a farm parcel shall not be permitted.

3.1.1.6 Home Occupations

Home occupations not directly related to farming may be permitted on a farm provided they remain visually secondary and subordinate to the farm operation and provided they are owned, managed and operated by those residing on the farm. Such occupations may be conducted within the dwelling or within an accessory building. Home occupations may also be permitted on small agricultural parcels and rural residential lots. The actual nature and scale of home occupations permitted, the maximum number of employees not residing on the lot on which the home occupation is being conducted and other standards applying to the establishment of home occupations shall be set out in the Zoning By-law. The site plan control provisions of the Planning Act may apply and permits may be required from the Municipality and other authorities having jurisdiction.

3.1.1.7 Agriculturally-related Commercial and Industrial Uses

Agriculturally-related commercial and industrial uses such as grain drying, handling and storage facilities, livestock marketing and sales yards, fertilizer plants, and farm implement and repair dealers may be permitted subject to the following criteria:

- a) agriculturally-related commercial and industrial uses constitute those uses that are directly and substantially related to serving the needs of the farm community, benefit by a location in close proximity to farming operations, or are not well suited to be located in an urban area. Examples of such uses include grain drying, handling and storage facilities, livestock marketing and sales yards, fertilizer plants, and farm implement and repair dealers
- b) sanitary sewage facilities subject to the approval of the authority having jurisdiction;
- c) access to a hard surfaced road subject to the approval of the authority having jurisdiction;
- d) site suitability;
- e) compatibility with neighbouring uses;
- f) compliance with the Zoning By-law;
- g) avoidance of groundwater recharge areas and proximity to water courses;
- h) compliance with the Minimum Distance Separation formulae.

3.1.1.8 Existing Vacant Lots

Existing lots (or lots of record) may be developed for the purposes of erecting a single unit detached dwelling subject to the following:

- a) availability of an adequate and potable water supply;
- b) an approved on-site sanitary waste disposal system;
- c) an approved entrance from the applicable road authority;
- d) compliance with the Zoning By-law;
- e) compliance with the Minimum Distance Separation formulae.

3.1.1.9 Outdoor Recreation Uses

Passive outdoor recreation uses and facilities may be permitted on low capability agricultural lands and lands characterized by rolling topography, forest cover, rivers or streams. The Zoning By-law will specify the actual uses permitted and the standards governing development. The Minimum Distance Separation Formula shall be applied with respect to any existing neighbouring livestock operation.

3.1.1.10 Disposal of Surplus Farm Dwellings (OPA #1)

Dwellings considered surplus to a farming operation as a result of farm consolidation, meaning the acquisition of farm parcels to be operated as one farm operation, may be severed from the balance of the farm. The following matters shall be satisfied:

- a) Year of Construction and Condition: The dwelling considered surplus shall have been in existence as of January 1st, 1999 and in a sound and reasonable state of condition to permit human habitation. Where substandard conditions exist, a condition may be imposed that the dwelling be brought up to the standards of the Ontario Building Code and any other applicable regulations.
- b) New Dwellings: The remaining farmland shall be zoned agricultural and related or compatible purposes. New dwellings shall be prohibited.
- c) Farm Buildings and Structures: Farm buildings and structures deemed to be surplus to the needs of the farm or which may be incompatible with the disposal of a surplus dwelling may be required to be demolished or removed as a condition of consent. Proximity to the surplus dwelling and proposed lot lines, compliance with the Minimum Distance Separation (MDS) Formula and the heritage quality, structural condition and proposed use of the farm buildings shall be governing factors as to whether demolition or removal will be required. Where such buildings are structurally sound and have potential for alternative and compatible uses, they may be severed along with the surplus dwelling. A rezoning shall be required and site plan control may apply where any such use does not qualify as a home occupation or as an accessory use. Where such buildings have been used to accommodate livestock, evidence shall be provided, satisfactory to the Municipality, that the livestock use has been abandoned. A report from the Municipality's Chief Building Official shall be submitted which attests to the decommissioning of any livestock barn or manure storage facility for livestock purposes. In addition, the owner shall provide a letter of acknowledgement to the Municipality confirming this to be the case and that any non-conforming rights to use the buildings for livestock purposes has been forfeited.

- d) Proximity to Neighbouring Livestock Operations: The dwelling shall not be severed from the farm where it may have a detrimental impact on the operation, expansion or flexibility of any nearby livestock operation.
- e) Environmental Warning: An agreement shall be entered into and registered on title advising future owners of the potential for odours and similar adverse impacts arising from neighbouring farm operations despite the fact that such operations may be operating in accordance with normal farm practices.
- f) Water Supply: An adequate, potable and independent water supply shall be available to service the dwelling to the satisfaction of the Township. Where water is being derived from the groundwater, the location of the well shall be wholly contained on the lot being created.
- g) Sanitary Waste Disposal: The sanitary waste disposal system servicing the dwelling shall be up-graded to current standards, if considered necessary by the Township, and wholly contained on the proposed lot in accordance with the required setbacks to the satisfaction of the Township.
- h) Vehicular Access: Vehicular access shall be available or made available from a public highway or public road of reasonable construction and maintenance. Any existing, substandard entrance shall be up-graded to the satisfaction of the authority having jurisdiction. New entrances shall not be permitted where safety hazards could result due to poor sight lines or proximity to a traffic intersection or due to the traffic flow characteristics of the highway or road. All new entrances shall be subject to approval of the authority having jurisdiction.

- i) Lot Characteristics: The frontage and size of the proposed lot shall be suitable for the purpose intended and shall generally only be as large as necessary to accommodate an on-site water well and sanitary waste disposal system. To the greatest extent possible, the lot shall be regular in shape and the loss of productive agricultural land shall be minimized, taking into account the location of the dwelling, accessory buildings, driveway, natural features, on-site water supply and sanitary waste disposal system. The requirements of the Zoning By-law, which shall include a minimum and maximum lot size, shall be satisfied. An amendment to the By-law shall be required.

(OPA #3)

Notwithstanding the policies of Section 3.1.1.11a) to the contrary, the creation of a lot occupied by a surplus farm dwelling out of lands known municipally as 14000 Elginfield Road and comprising part of Lot 37, Concession VI, as shown on Schedule 'A', may be permitted subject to the remaining matters set out in Section 3.1.1.11 being satisfied and subject to the lands remaining being merged in title with abutting lands to the north, being Lot 36, Concession VI.

3.1.2 **AGGREGATE RESOURCES**

Areas designated 'Aggregate Resources' are those areas of the Township where a potential evidently exists for the commercial extraction of sand and gravel. The Township is not resource rich in terms of high quality sand and gravel and the potential for quarrying is not apparent. For its own needs, the Municipality relies on gravel from sources outside the Township. At the present time, there are only two licensed gravel pits in the Township. Both are small, largely inactive operations situated adjacent to the Little Ausable River west of Lucan. The quality of aggregate being extracted is low. A license has recently been applied for with respect to lands comprising part of Lot 17, Concession IV. It is proposed to be a relatively small operation.

3.1.2.1 Land Use

Within the areas designated 'Aggregate Resources' on Schedule "C", the primary use of land shall be for the existing or future extraction of aggregate. Uses accessory to extraction and processing (including the crushing, recycling, washing and stockpiling of aggregate extracted from the operation) shall also be permitted. These areas may also be used for the purposes of processing or stockpiling aggregate extracted elsewhere. Secondary uses such as agriculture, forestry, conservation and outdoor recreation uses may also be permitted. The actual uses permitted will be specified in the Zoning By-law.

3.1.2.2 New Sand and Gravel Pits

All proposed sand and gravel pits in areas designated 'Aggregate Resources' on Schedule "C" shall require an amendment to the Zoning By-law and a license from the Ministry of Natural Resources pursuant to the Aggregate Resources Act. In addition, the requirements of the Ministry of the Environment with respect to matters of water taking, the discharge of water back into a water course, potential contamination of surface and ground water and air emissions shall be satisfied. The following shall also be taken into consideration:

- a) Surface and Ground Water Resources: A pit shall not be permitted which has the potential to have a deleterious effect on the quantity or quality of surface or ground water resources. Mitigating measures or safeguards may be required to ensure neighbouring water wells will not be adversely affected.
- b) Adjacent and Surrounding Land Uses: Compatibility with existing (or proposed) neighbouring land uses and, in particular, residential uses. To minimize land use conflicts, buffering measures in the form of tree planting, earth berms or some combination thereof capable of providing an effective visual and noise buffer between the proposed pit and neighbouring land uses may be required. Limitations may be imposed on the nature and location of processing facilities to ensure an acceptable degree of compatibility with neighbouring land uses.
- c) Vehicular Access: Adequacy of haul routes to meet the increase in truck traffic placed on them subject to the approval of the authority having jurisdiction. In no case shall access to these roads be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection.

- d) Site Plan: The site plan complete with information required by the Aggregate Resources Act and regulations pursuant thereto, or any other pertinent and applicable legislation or guidelines including the report required under the Aggregate Resources Act.
- e) Rehabilitation: The rehabilitation scheme to be implemented in a progressive manner as extraction takes place, and is to consider land use compatibility, and mitigate negative impacts to the extent feasible. Where the aggregate resource is situated on agricultural land, restoration of the agricultural capability of the lands will be required. Rehabilitation to agriculture and agriculturally related uses, forestry, conservation or nature reserves will not require an amendment to this Plan
- f) Protection: Sand and gravel operations will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. In areas adjacent to, or in known deposits of mineral aggregates, development which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:
 - 1) resource use would not be feasible; or
 - 2) the proposed land uses or development serves a greater longer term public interest; and
 - 3) issues of public health, public safety and environmental impact are addressed.

3.1.2.3 Sand and Gravel Pits in the Little Ausable River Valley

Given the high quality of the Little Ausable River Valley as a natural heritage feature, new and/or expanding extraction operations will be required to minimize any adverse impacts with respect to:

- a) visual quality;
- b) proximity to residential uses;
- c) natural heritage features.

Restoration and, wherever possible, enhancement of the natural landscape of the valley will be encouraged in the rehabilitation of existing and abandoned pits in the Valley.

3.1.2.4 Zoning

The Zoning By-law will zone only those lands in use and licensed by the Ministry of Natural Resources for purposes of aggregate extraction and will prohibit incompatible land uses and activities both within these areas. Lands designated 'Aggregate Resources' but not licensed for extraction may be restricted to their existing use until such time as an application for a license pursuant to the Aggregate Resources Act has been submitted and the requirements of this Plan are deemed satisfied by the Township.

3.1.2.5 Wayside Pits

The Municipality, the County of Middlesex, the Ministry of Transportation, neighbouring municipalities and their agents may, for public road purposes, use any land within areas designated 'Agricultural' or 'Aggregate Resources' on Schedule "C" for the extraction of aggregate resources by means of a wayside pit. An amendment to this Plan or the Zoning By-law will not be required. All wayside pits shall, however, require a permit from the Ministry of Transportation for their projects.

3.1.2.6 Abandoned Pits

To the extent its administrative resources permit, the Municipality will support the efforts of landowners, special interest groups, the conservation authority having jurisdiction, and the Ministry of Natural Resources in the rehabilitation of abandoned pits provided such rehabilitation is for a use which is in conformity with this Plan.

3.1.2.7 Removal or Levelling of Hills Containing Aggregate

The removal or levelling of hills containing aggregate for the purposes of increasing or improving lands for agricultural uses shall be permitted in any land use designation without an amendment to this Plan provided no excavation takes place below the average grade of land surrounding the hill. Prior to the removal or levelling of such hills, the Municipality shall be satisfied that the area is not a ground water recharge area, that land use compatibility has been addressed and that a license is issued, if required, by the Ministry of Natural Resources pursuant to the Aggregate Resources Act.

3.1.2.8 **Portable Asphalt Plants**

Portable asphalt plant means a public or private facility designed to heat and dry aggregate and to mix aggregate to produce asphalt paving material; and includes stockpiling and storage of bulk materials used in the process and means a facility which is not of permanent construction, but which is dismantled at the completion of the construction project in question.

Portable asphalt plants used on public authority contracts will be permitted without the need for an amendment to this Plan, rezoning or development permits under the Planning Act in all areas, except for those areas of existing development; lands designated as “Natural Areas” on Schedule “C” and “Hazard Lands” designated on Schedule “D” which have been determined to be incompatible with extraction and associated activities. Where possible, portable asphalt plants will be located and operated within wayside pits or quarries.

In the review of applications for portable asphalt plants, the Municipality will consider the following matters in commenting to the Ministry of Transportation:

- a) Impacts on the right of property enjoyment of nearby residences will be avoided or fully mitigated.
- b) Impact upon livestock operations will be avoided or fully mitigated.
- c) Groundwater resources will not be affected.
- d) Full compliance with the Ministry of Environment requirements is assured.
- e) Such plants are dismantled and the site declared environmentally clean upon completion of the public road project.

3.1.3 NATURAL AREAS

The Township of Lucan Biddulph does not have an abundance of natural heritage features such as significant wetlands, woodlands, valleylands, wildlife habitat and areas of natural and scientific interest. Areas designated as natural heritage are few in number and include only one relatively small wetland complex lying north of Lucan and two relatively small woodlands being the Lucan Woodlot and Lucan Crossing lying south and southwest respectively of Lucan. These three natural heritage areas are recognized and designated in the County of Middlesex Official Plan. Perhaps the most widely recognized natural heritage feature and certainly the most dominant physical feature in the Township is the valley of the Little Ausable River lying to the west and north of Lucan. Natural areas also include all woodlands four hectares (10 acres) or greater in area, found throughout the Township.

3.1.3.1 Natural Heritage Features and Areas

Wetlands, fish habitat, woodlands, valley lands, wildlife habitat including in particular habitat of endangered and threatened species and areas of natural and scientific interest warrant protection for their ecological and social values as well as for their contribution to the natural landscape of the Township. They will be protected, wherever possible, from incompatible development and from activities, which would undermine their integrity. Those natural heritage features and areas considered to be of significant ecological, scenic and/or natural value are designated on Schedule “C”. It is the intention of this Plan that these lands remain in their natural state free and clear of any non-essential buildings or structures.

3.1.3.2 Impacts on Natural Areas

Changes in use, creation of a lot, the construction of buildings or structures and site alteration in areas lying within or adjacent to ‘Natural Areas’ designated on Schedule “C”, may be permitted subject to the uses permitted in the affected land use designation and a ‘Development Assessment Report’ (DAR). In determining whether a DAR is required, the Municipality shall consider the following:

- a) the type, quality and function of the “Natural Area” designated on Schedule “C” ,
- b) the change being proposed,

- c) the nature and scale of development in the area',
- d) in the case of a change on adjacent lands which may impact on the 'Natural Area', the distance to the 'Natural Area' , existing topography and the existence of any intervening features,
- e) The County of Middlesex Official Plan and the Provincial Policy Statement.

If a DAR is required, the proposed change or alteration shall examine the impact of the proposed development on the overall system at the landscape level and demonstrate that no negative impacts upon any existing natural feature and its sustaining ecological function will result.

Where required, a DAR shall be prepared and completed to accepted standards. The report shall address the following issues:

- a) a description of the proposed development and its purpose, the nature and duration of potential impacts to the site, adjacent lands and ecological processes and the potential cumulative effects of the proposed development;
- b) a description and statement of the rationale for the development, alternative methods of carrying out the development, and the alternatives to the development;
- c) an environmental description including ecological processes, that will be affected or that might reasonably be expected to be affected;
- d) a description of the effects that may be caused or that might reasonably be expected to be caused to the natural environment, including ecological processes;
- e) the actions that are necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effect or the effects that might reasonably be expected upon the natural environment, including ecological processes.

The Municipality shall consult with the County of Middlesex and the Conservation Authority having jurisdiction and may require a third party peer review.

3.1.3.3 **Protection and Enhancement**

The Municipality recognizes the value of 'Natural Areas' to the community and the need to foster the protection and indeed enhance these areas wherever possible. The protection, restoration, conservation, enhancement, and maintenance of 'Natural Areas' is, therefore, encouraged by the Municipality to the extent its authority and resources permit and provided that the legitimate rights of affected property owners are not infringed upon.

3.1.3.4 **Land Ownership**

Where lands designated 'Natural Areas' are privately-owned, such designation does not imply that these lands are free and open to the general public or that these lands will be acquired or assumed by the Municipality or any other public body.

3.1.3.5 **Woodlots**

The retention of woodlots or portions of woodlots that are not considered significant (less than four hectares in size) is also encouraged. Wherever possible and practical, additional trees should be planted to replace trees removed as a result of development. The preservation of road side trees and fence-line tree planting is encouraged except where a safety issue is apparent.

3.1.4 **HAMLETS**

Clandeboye, situated on the western boundary of the Township of Lucan Biddulph on Highway No. 4 northwest of Lucan, is the only settlement designated as a 'Hamlet' in the Official Plan. Its current population is estimated to be in the order of 120 persons. While building lots are available for development, actual growth of over the years has been limited, attributed in large measure to its location, lack of community facilities and amenities, deficient roads and instances of substandard development.

While Clandeboye is serviced by the Lake Huron Water Supply, sanitary sewage disposal is provided by means of on-site sanitary waste disposal system. The low permeable clay soils, which characterize Clandeboye, are not conducive to the proper functioning of these private sanitary sewage systems. In the absence of a municipal sanitary sewage system and given the potential to accommodate growth and development in nearby Lucan and to a lesser extent Granton on full municipal services, future development of Clandeboye should be restricted.

3.1.4.1 Areas Designated

Areas designated as ‘Hamlet’ on Schedule “C” are intended to function as small dormitory communities capable of accommodating limited residential development and providing limited services for their residents and those of the surrounding area.

3.1.4.2 Land Use

Within the designated ‘Hamlet’ areas, the use of land shall be primarily for low-density residential purposes. Also permitted are small-scale commercial and industrial, institutional and recreational uses. The actual uses will be specified in the Zoning By-law in a manner which ensures orderly and compatible development and minimizes any potential conflicts with existing uses.

3.1.4.3 Home Occupations

Home occupations may be permitted as an accessory use provided they remain clearly secondary to the main residential use and provided they are strictly compatible with neighbouring residential uses. Specific standards applying to home occupations will be prescribed in the Zoning By-law.

3.1.4.4 Scale and Character of Development

It is intended that future growth and expansion of the designated ‘Hamlet’ of Clandeboye will be restricted due to the lack of adequate services, soil conditions and the ability of the designated ‘Settlement Areas’ of Lucan and Granton to better accommodate the growth of the Township. Development will, therefore, be limited to infilling and the rounding out, or minor and logical extension, of the existing built-up area and be compatible with the existing nature, scale and character of existing development. New residential development shall be concentrated to the south and limited to the north of Highway No. 4.

3.1.4.5 Conditions for Development

Where new development is proposed, it shall be capable of being serviced by the municipal water supply system and on-site sanitary waste disposal systems. Proper site grading and drainage shall be provided and a stormwater management plan may be required. Municipal services shall be provided or up-graded as necessary. Where necessary or desirable, adequate buffering shall be provided to ensure compatibility with adjacent uses.

3.1.4.6 Servicing

All new development shall be serviced by the municipal water supply system and on-site sanitary sewage disposal systems. A soils report satisfactory to the Municipality and the Ausable Bayfield Conservation Authority shall be submitted which demonstrates the suitability of the lands for on-site waste disposal, the type of system most appropriate in terms of minimizing the potential for groundwater contamination and failure, and the recommended design parameters and procedures for installing and maintaining such system. Where a new lot is being created, the lot shall be sufficiently large to accommodate a 100% contingency area in the event of sanitary sewage system failure.

3.1.5 COUNTRY RESIDENTIAL

The scenic quality offered by the Valley of Little Ausable River and existing road network makes certain lands along the river attractive to rural residential or estate-type development, some of which has already taken place. Moreover, the size and shape of parcels in these areas limits their use for agricultural purposes. The potential for adverse impacts on existing farming operations is capable of being addressed at the lot creation stage.

3.1.5.1 Land Use

Within areas designated 'Country Residential' on Schedule 'C', the primary use of land shall be for single unit detached dwellings on large lots. Uses accessory to residential uses such as home occupations shall also be permitted. The actual uses permitted and the regulations applying to them will be established in the Zoning By-law.

3.1.5.2 Home Occupations

Home occupations shall be permitted provided they remain clearly secondary to the main residential use and are situated entirely within a dwelling and provided they are engaged in only by those residing in the dwelling and provided they do not create a nuisance or potential nuisance or detract in any way from the residential character of the area. The range or type of home occupation permitted and the standards applying to them shall be set out in the zoning by-law.

3.1.5.3 Impact on the Natural Environment

Where new development is proposed in areas designated 'Country Residential', conditions may be imposed to ensure the natural amenity and scenic quality of the valleylands and of the lands being developed are maintained and, wherever feasible, enhanced. Topography shall not be adversely altered and mature, healthy trees protected both during and following development.

3.1.5.4 Creation of Lots

The creation of lots in areas designated 'Country Residential' shall normally take place by land severance or consent in accordance with the provisions of the Planning Act and the relevant policies of this Plan.

3.1.5.5 Minimum Distance Separation

The creation of residential building lots in areas designated 'Country Residential' shall comply with the Minimum Distance Separation Formula with respect to any existing neighbouring livestock operation.

3.1.5.6 Water Supply and Sanitary Waste Disposal

Development within areas designated 'Country Residential' along William Street shall be serviced by the public water supply system. All development shall be serviced by on-site sanitary waste disposal systems. A soils report satisfactory to the Municipality and the Ausable Bayfield Conservation Authority shall be submitted which demonstrates the suitability of the lands for on-site waste disposal, the type of system most appropriate in terms of minimizing the potential for groundwater contamination and failure, and the recommended design parameters and procedures for installing and maintaining such system. Where a new lot is being created, the lot shall be sufficiently large to accommodate a 100% contingency area in the event of sanitary sewage system failure.

3.1.5.7 Zoning

The Zoning By-law will prescribe the actual uses permitted and the standards governing such development. Undeveloped areas may be placed in a 'holding' type zone in accordance with the holding provisions of the Planning Act until such time as conditions are appropriate to permit development. Alternatively, these lands may remain in an agricultural zone until such time as a specific development proposal has been submitted and approved by the Municipality.

3.1.6 HIGHWAY COMMERCIAL

Non-agriculturally related commercial establishments in the Rural Area of the Township are generally small in scale, limited in number and scattered in terms of location. New establishments, unless they are related to agriculture, are directed to areas specifically designated for these purposes or to designated 'Hamlets'. Ideally, areas designated 'Highway Commercial' enjoy excellent visibility on high volume roads, well-drained, level sites for building and parking, safe and convenient access, and access to municipal services. Only one area is designated 'Highway Commercial' in the Rural Area of the Township, being lands lying on the north side of Highway No. 7 east of Highway No. 4.

3.1.6.1 Land Use

Within areas designated 'Highway Commercial' on Schedule "C", the primary use of land shall be for commercial uses which demonstrate a strong orientation to single purpose trips, to being accessed by vehicular traffic, and/or to land areas for extensive building coverage, outside storage and selling space and parking. Typical uses include automobile oriented uses and services, truck stops, motels, restaurants and certain types of retail and service outlets. The actual uses permitted shall be specified in and regulated by the provisions of the Zoning By-law.

3.1.6.2 Creation of Lots

The creation of new lots for highway commercial development shall normally take place by land severance or consent in accordance with the provisions of the Planning Act and the relevant policies of this Plan.

3.1.6.3 Criteria for Development

Proposals for development shall meet the following criteria:

- a) Water Supply: Where a public water supply is not available, an independent water supply capable of meeting the needs of the proposed use shall be demonstrated to exist. Where deemed necessary, the Municipality may require a report from a qualified well driller, hydrogeologist, or engineer confirming that an adequate and potable water supply is available to service the proposed use;

- b) Soils and Drainage: Shall be suitable or made suitable to enable the proper installation and functioning of an independent, on-site sanitary waste disposal system, to enable the proper siting of buildings and structures and to eliminate or minimize surface drainage onto adjacent lands. The requirements and the approval of the authority having jurisdiction with respect to wastewater disposal shall be complied with including the provision of a 100% contingency area in the event of system failure;
- c) Vehicular Access: Shall be available or made available from an 'Arterial Road' or 'Collector Road' road subject to the approval of the authority having jurisdiction. Access shall not be permitted where safety hazards could result due to poor sight lines, proximity to a traffic intersection or the traffic flow characteristics of the highway or road. All development adjacent to a Provincial Highway shall comply with the requirements and obtain the necessary permits from the Ministry of Transportation with respect to use, entrances, setbacks, drainage and signage. All development adjacent to County Roads shall comply with the requirements and obtain the necessary permits from the County of Middlesex with respect to entrances, setbacks and drainage;
- d) Site Plan Control: A high standard of building and site design, including site location, retention of natural amenities and features (if any), on-site landscaping, buffering of parking areas and adjoining lands, external lighting and signage will be encouraged.

3.1.7 INDUSTRIAL

Non agriculturally-related industrial uses in the Rural Area of the Township are small in scale and limited in number. The inability of the area to attract even modest size industrial operations is attributed to the existence of a small labour force, limited serviced land and distance to major provincial highways. Typical industrial uses are small-scale operations serving the local market as well as small entrepreneurial firms. The Municipality nevertheless recognizes the benefits of diversifying its economic base and attracting larger industrial establishments.

While agriculturally related industrial uses are able to locate in areas designated 'Agriculture', non-agricultural-related industrial uses are required to be directed to areas specifically designated for such purposes. Two areas have been identified which exhibit characteristics suitable for industrial purposes.

One of these areas was partially designated 'Industrial' in the former Official Plan of the Township of Biddulph. It is bounded generally by the Roman Line, Highway No. 4 and County Road No. 7. It is characterized by reasonably good accessibility and visibility. A lack of municipal services is perhaps the most significant constraint to development in this area.

An area lying north of Lucan on the north side of Fallon Drive west of Saintsbury Line is also designated 'Industrial. This relatively large parcel is the site of the Lucan sewage treatment plant and has the potential to be readily serviced by both the public water supply and sanitary sewage system. Up-grading of Fallon Drive is required. Accessibility to major provincial highways is available via Saintsbury Line to Highway No. 4 and County Road No. 7. The lands are also well buffered from potentially conflicting land uses with the exception of a nearby public school. Being owned by the Municipality, the lands are readily marketed for industrial purposes.

3.1.7.1 Land Uses

Within areas designated 'Industrial' on Schedule "C", the primary use of land shall be for the manufacturing, fabrication, assembling and processing of materials, goods or products; warehousing; outside storage; repair, servicing and maintenance operations; and truck and bus terminals. The uses permitted will be specified in, and regulated by the Zoning By-law. For those areas without municipal water supply and sanitary sewage services, land uses shall be restricted to small scale, "dry" industries.

3.1.7.2 Creation of Lots

The creation of new lots for industrial purposes shall normally take place by land severance or consent in accordance with the provisions of the Planning Act and the relevant policies of this Plan. The Municipality may prepare an overall concept plan for development of areas designated 'Industrial' to ensure orderly development and a basis for lot creation.

3.1.7.3 Water Supply and Sanitary Waste Disposal

All uses on lands designated 'Industrial' shall meet the requirements and obtain the approval of the Municipality and the authority having jurisdiction with respect to water supply and sanitary waste disposal. Development of the lands designated 'Industrial' in Lot 25, Concession IV shall be on the basis of full municipal services.

3.1.7.4 Stormwater Management

Proper site grading and stormwater management measures shall be required to ensure properly drained sites, controlled runoff, and suitable outlets. The Municipality may undertake or require the preparation of a master storm drainage plan as a basis for the preparation of site plans for specific developments. Where a master storm drainage plan has been prepared, site plans for specific developments shall be required to conform therewith.

3.1.7.5 Entrances

The number, location and design of entrances shall be governed by the authority having jurisdiction. Entrances may not be permitted where a traffic hazard may result due to changes in grade, the curvature of the road or proximity to an intersection. Entrance approvals or permits shall not be issued where public safety is at risk due to changes in grade or curvature of the road or proximity of the proposed entrance to a road intersection. Land dedications for future road widenings and setbacks for buildings and structures shall be determined by the appropriate road authority through the consent granting or site plan approval process.

3.1.7.6 Neighbouring Land Uses

Industrial development shall be planned in such a way to minimize the potential for conflicts with any neighbouring uses particularly nearby residences and schools. Buffering measures including planting strips, the screening of outside storage areas and appropriate separation distances shall be required through the application of site plan control in accordance with the relevant policies of this Plan.

3.1.7.7 Development along Major Roads

Where industrial development would be visible from a Provincial Highway or County Road, the Municipality shall ensure a high standard of site development, appearance and maintenance through the application of site plan control and in accordance with the relevant policies of this Plan.

3.1.7.8 Zoning

The Zoning By-law shall specify the actual uses permitted and prescribe standards appropriate for development. Undeveloped areas designated 'Industrial' may be placed with a 'holding' symbol in accordance with the holding provisions of the Planning Act and this Plan until such time as conditions are appropriate to permit development.

3.1.8 HIGHWAYS AND ROADS

The transportation network within the Rural Area of the Township comprises a system of Township Roads, County Roads, and Provincial Highways. The County Official Plan establishes policies governing the development and subdividing (or severing) of land requiring access to County Roads.

3.1.8.1 Function

All public roads are designated as either Provincial Highways, County Roads, or Township Roads on Schedules "A", "B", "C" and "D". The primary function of Provincial Highways and County Roads is to move large volumes of traffic at relatively high speeds through and within the Township, while the primary function of Township Roads is to provide direct access to abutting properties and to minimize through traffic. Development along Provincial Highways and County Roads, which would detract from their primary traffic function, shall be discouraged.

3.1.8.2 Provincial Highways

All development adjacent to Provincial Highways shall comply with the standards and requirements of the Ministry of Transportation (and obtain the necessary permits and approvals) regarding entrances, setbacks, signage and drainage. The Municipality shall request the input from the Ministry in considering all planning-related applications where the lands affected abut a Provincial Highway or lie within the distance of an intersection of a Provincial Highway prescribed by the Ministry. Prior to any construction taking place and/or site grading, permits shall be obtained from the Ministry of Transportation.

3.1.8.3 County Roads

All development or changes in use adjacent to a County Road shall comply with the guidelines, standards and requirements of the County of Middlesex regarding entrances, setbacks and drainage. The Township shall request the input from the County in considering all planning-related applications as well as applications for building permits where the lands affected abut a County Road or lie within the distance of an intersection of a County Road prescribed by the County.

3.1.8.4 Road Allowance Width

The required road allowance width shall be determined by the authority having jurisdiction. Generally, all Township Roads shall have a minimum allowance of 20 metres in width. Provincial Highways and County Roads generally have, or are designed to have, a minimum road allowance width of 30 - 36 metres. Dedications may be required as a condition of site plan approval or the approval of a subdivision or land severance to bring existing roads up to the required standard.

3.1.8.5 Unopened Road Allowances

The Township is under no obligation to construct and, thereafter, open and maintain any existing unopened road allowance and may, from time to time, legally close up unopened road allowances which serve no useful public purpose, and offer the residual lands to abutting property owners provided access to abutting properties is maintained in accordance with the provisions of the Municipal Act. Alternatively, the Township may consider proposals for opening unopened road allowances based on the financial contribution of affected property owners and a consideration of the long term maintenance costs to the Township.

3.1.8.6 New Local Roads

New roads created as a result of a plan of subdivision shall be designed and constructed to the standards of the Township prior to assumption by the Township. Where new roads intersect a County Road or a Provincial Highway, the location, design, and construction of these roads in the vicinity of the intersection shall be subject to the approval of the County of Middlesex or the Ministry of Transportation as the case may be.

3.1.8.7 Minimum Setbacks

Minimum setbacks for buildings and structures from Provincial Highways will be stipulated by the Ministry of Transportation through its permit granting system. The minimum setbacks from County Roads shall be stipulated in the Zoning By-law in accordance with the County of Middlesex Official Plan. The Municipality shall stipulate the minimum setback from Township Roads in the Zoning By-law.

3.1.8.8 Active Transportation

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

4.0 HERITAGE RESOURCES

Heritage resources include, but are not necessarily restricted to, buildings, structures and sites of architectural, archeological and historical significance as well as cultural heritage landscapes being geographic areas modified by human activities and significant to the understanding of the history of a people or place. They provide a tangible link with the history of the community and contribute to the community's identity and sense of place. They are also a significant component of any local tourism strategy.

Only a few heritage sites have been recognized in the Township, among them being St. Patrick's Church on Highway No. 4 (including the gravesite of members of the Donnelly family) and the Lucan & Area Heritage Museum in Lucan – both designated properties under the Ontario Heritage Act. While little remains of buildings and other physical remnants of the notorious Donnelly family and their demise, there has always been a fascination with this historic event in the Township which has been generally under played. A comprehensive inventory of the heritage resources of the Township has yet to be undertaken.

4.1 INVENTORY

The Municipality may undertake an inventory of the heritage resources of the Township.

4.2 DEVELOPMENT & REDEVELOPMENT

Heritage resources shall be protected, conserved and preserved as the case may be wherever possible. Development and redevelopment which is sensitive to heritage resources, which incorporates and utilizes heritage resources wherever feasible, and which is in harmony with neighbouring heritage resources shall be encouraged.

4.3 PUBLIC WORKS

The Municipality will attempt to avoid any adverse impacts on heritage resources when undertaking public works.

4.4 MEANS OF PROTECTION

The Municipality shall seek to protect its heritage resources through the co-operation and the concurrence of affected property owners as well as through the application of the provisions of the Ontario Heritage Act.

4.5 MUNICIPAL ROLE AND PRIVATE PROPERTY RIGHTS

The protection, restoration, conservation, enhancement, and maintenance of built heritage resources and cultural heritage landscapes shall be encouraged by the Municipality. Where lands, buildings or structures designated under the Ontario Heritage Act are privately-owned, such designation does not imply that these lands are free and open to the general public or that these lands will be acquired by the Municipality or any other public authority.

The Township may establish a Municipal Heritage Committee (MHC) to advise on matters relating to the Ontario Heritage Act and other business relating to heritage conservation. The Township shall encourage the designation and maintenance of properties and structures pursuant to Parts IV and V of the Ontario Heritage Act. The Township shall support the use of cultural heritage resources as a means to promote economic development and tourism within the Township. The Township 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.

4.6 ARCHAEOLOGICAL RESOURCES

Where a site being proposed for development has been identified as having archaeological potential, the Municipality will require an assessment of the site to verify the potential existence of any archaeological resources. As a condition of any development approval, significant archaeological resources will be conserved through removal and documentation in advance of development taking place and in accordance with the Ontario Heritage Act. Alternatively, development of such sites may be restricted by the Municipality through the application of its powers under the Planning Act.

5.0 DEVELOPMENT CONSTRAINTS

5.1 HAZARD LANDS

The Township of Lucan Biddulph lies partially within the confluence of two watersheds – one under the jurisdiction of the Ausable Bayfield Conservation Authority, comprising the westerly two-thirds of the Township and the other under the jurisdiction of the Upper Thames River Conservation Authority and comprising the easterly third of the Township. Within these areas, lands primarily associated with the Little Ausable River and its tributaries are hazardous or potentially hazardous to development and a risk to life and property as a result of their susceptibility to flooding, erosion, subsidence, slumping, inundation, and the presence of steep slopes. At the same time, these areas exhibit significant natural heritage value.

In Lucan, a ‘two zone policy’ has been adopted by the Ausable Bayfield Conservation Authority and the former Village of Lucan. Under the two-zone approach, a floodway and a flood fringe is determined. Within the floodway, buildings and structures are generally prohibited, while between the floodway and the limits of the flood fringe, buildings and structures are permitted subject to flood-proofing.

For the remainder of the Township, a ‘one zone policy’ has been adopted by the Ausable Bayfield Conservation Authority and the Upper Thames River Conservation Authority. Under the ‘one-zone approach’, a regulatory flood standard or fill regulated area is determined which prohibits or otherwise restricts the construction of buildings and structures.

5.1.1 Lands Affected

‘Hazard Land’ areas are based on the regulation limit of the Ausable Bayfield Conservation Authority and the Upper Thames River Conservation Authority as shown on Schedule “A” and “D”. The restrictions on development in ‘Hazard Land’ areas shall be more specifically determined at the time of development based on a site inspection, supporting technical studies, and the input of the conservation authority having jurisdiction.

Development within these areas shall be permitted only where it can be demonstrated that any natural hazard will not be aggravated to the satisfaction of the conservation authority having jurisdiction. Technical studies may be required to establish a “two-zone” distinction between the flood-way and the flood-fringe within the regulation limit, a key component of which will be an evaluation of appropriate risk management to potential flood hazards.

5.1.2 Development And Site Alteration

Development and site alteration shall be generally directed to areas outside of:

- a) lands adjacent to river and stream systems which are impacted by flooding and/or erosion hazards;
- b) lands that could be unsafe for development due to naturally occurring hazards which may include unstable soils or unstable bedrock.

Implementation of these provisions shall occur through appropriate zoning, site plan control, the Ontario Building Code and regulations under the Conservation Authorities Act

5.1.3 Uses, Buildings and Structures

Within ‘Hazard Land’ areas, the use of land shall be governed by the policies applying to the underlying land use designation. Buildings, structures and outside storage shall generally be prohibited below the regulatory flood line with the exception of buildings and structures intended for flood or erosion control, essential utilities, bridge abutments and similar structures.

5.1.4 Natural Watercourses

Appropriate minimum setbacks from natural watercourses and river banks and other measures will be established in the Zoning By-law to prevent encroachment onto flood prone lands and to prevent the potential for property damage and loss of human life.

5.1.5 Municipal Drains

Buildings and structures shall be prohibited within a minimum distance of the centreline or top-of-bank of municipal drains as prescribed by the Zoning By-law with the exception of road related structures and erosion or flood protection devices.

The Municipality will ensure, to the extent feasible, that any required maintenance of municipal drains is provided in manner, which mitigates any adverse impacts upon natural heritage features or natural watercourses.

5.1.6 Change to Areas Designated

In the event flood control or other works are undertaken or more detailed studies and mapping are undertaken which result in significant changes to areas identified as 'Hazard Land' on Schedule "A", such changes shall be incorporated by way of an amendment to this Plan. In the event consideration is being given to use lands identified as 'Hazard Land' for a specific use or development which otherwise would not be permitted, the following matters shall be considered:

- a) the nature and degree of the existing physical hazards;
- b) the potential impact of these hazards on the use being proposed;
- c) the potential impact of the use being proposed on lands designated 'Hazard Land';
- d) the methods being proposed by which any adverse impacts may be mitigated consistent with accepted engineering and resource management practices or techniques.

5.1.7 Ownership

Where 'Hazard Land' areas are held in private ownership, it is not the intent of this Plan that such land will be acquired by the Municipality or any other public body or that such land is open to the public.

5.1.8 One Hundred Year Erosion Limit

The One Hundred Year Erosion Limit has been established to determine erosion hazards associated with steep and/or unstable slopes such as exist along the Little Ausable River and its associated tributaries. Due to the generally modest relief of the Township, there are only limited lands which would be affected by the One Hundred Year Erosion Limit. Development within these areas shall be restricted or prohibited depending on the erosion hazard subject to the approval of the conservation authority having jurisdiction. A geotechnical study may be required where steep or unstable slopes are encountered to identify erosion and/or slope instability hazards and appropriate mitigating measures.

5.2 LANDFILL SITES

While there are no operating landfill sites in the Township, there are at least three former landfill sites being situated in the west half of Lot 24, Concession III, the east half of Lot 2, NLR, and the east half of Lot 29, Concession II. Long after a landfill site has been abandoned, there is a potential for adverse impacts to public health and safety as a result of the migration of methane gas and/or leachate.

5.2.1 Soil Testing

Within 500 metres of the perimeter of the fill area associated with a landfill site, soils, atmospheric and groundwater testing for methane gas and leachate migration may be required prior to the approval of any development proposal or the issuance of a building permit where a potential for adverse impacts exists.

5.3 SEWAGE WORKS

Constructed in recent years, the Village of Lucan's sewage treatment plant is located in part of Lot 25, Concession IV, on the north side of Fallon Drive. Prior to the construction of this facility, the Village's sanitary waste was treated by a two-cell sewage lagoon, situated in part of Lot 26, Concession IV, on the south side of Fallon Drive. The lagoon remains as a standby facility in the event of a shutdown of the sewage treatment plant for emergency or maintenance purposes.

5.3.1 Buffer Area

No residential or other odour sensitive uses shall be established within a 150 metre buffer area surrounding the sewage treatment plant in Lot 25, Concession IV and surrounding the sanitary sewage lagoons in Lot 26, Concession IV.

5.4 GRAIN ELEVATORS

There are two grain elevators situated in built-up areas of the Township, one being in the Village of Lucan and the other being in the Village of Granton. The Ministry of Environment has identified a potential influence area of 300 m around facilities such as commercial grain handling facilities where a potential exists for adverse impacts on sensitive (e.g. residential, institutional) land uses.

5.4.1 Buffer Area

Prior to approving any development within the Buffer Area surrounding commercial grain handling facilities as shown on Schedule “A” and Schedule “B”, technical studies shall normally be required which address the degree of adverse impact and the measures which are capable of being undertaken to mitigate such impacts on sensitive land uses. Such measures may include various forms of buffering and minimum setbacks. Where development is relatively minor in nature (such as infilling, replacement of, or additions to, existing dwellings) or where the subject grain handling operation is in the process of being discontinued, such studies shall not be required.

5.5 ‘BROWNFIELD SITES’

While there are no known large, abandoned ‘brownfield’ or contaminated sites in the Township, with the possible exception of abandoned or closed landfill sites (Section 5.2), there are a few, relatively small sites where remedial measures may be required to ensure public health and safety.

5.5.1 Site Restoration

Where lands have been identified as being contaminated or potentially contaminated by previous activity, the Municipality shall require that the necessary measures be taken prior to construction to ensure the lands are satisfactorily rehabilitated to prevent any adverse impacts on future uses.

5.6 WATER POLICIES

This Plan shall endeavour to recognize the surface water features, ground water features, hydrologic functions, and areas which are necessary for the ecological and hydrological integrity of the watershed. These features shall be identified on Schedule “D” Constraints to the Plan upon their availability.

5.6.1 Water Resource Policies

- i. The Township shall designate surface water features and ground water features in order to protect, improve, and restore the quality and quantity of water throughout the Township.

- ii. The Township 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.
- iii. The Township shall discourage development and site alteration on or adjacent to surface water features and ground water features. Any use or activity that is, or would be, a significant drinking water threat is required to conform with all applicable source water protection plan policies and, as such, may be prohibited, restricted or otherwise regulated by those policies.

5.6.2 Implementation

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

- i. conditions of consent and subdivision approval and consequent agreements;
- ii. provisions related to site plan control; and,
- iii. standards, definitions and regulations in the Township's Zoning By-law.

5.6.3 Development Applications

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

Development or site alteration shall not be permitted in designated vulnerable areas.

Development or site alteration shall not be permitted on or adjacent to designated surface water features or ground water features where it will negatively impact the hydrological functions of the features.

6.0 COMMUNITY IMPROVEMENT

Up-grading community infrastructure, facilities and conditions is necessary or otherwise desirable to improve the quality of life, to enhance community pride and identity and to attract development.

6.1 GOALS

- a) To improve existing infrastructure and facilities where required;
- b) To improve the appearance of the community;
- c) To improve the health, safety and welfare of the community;
- d) To foster a sense of community identity and pride; and
- e) To create a positive and distinctive image of the community.

6.2 OBJECTIVES

- a) To up-grade physical services to at least a minimum standard;
- b) To improve streetscapes, pedestrian amenities and parking;
- c) To improve the level and quality of social and recreational services and facilities;
- d) To encourage innovative and creative re-use of buildings considered functionally obsolete for their original purpose;
- e) To reduce land use conflicts and incompatibilities;
- f) To encourage the efficient use of existing services through infilling and redevelopment.

6.3 SELECTION CRITERIA

The entire Township of Lucan Biddulph is designated a 'Community Improvement Area'

and includes:

- a) Areas where there is a deficiency in municipal services and facilities (e.g. water supply, sanitary sewers, storm drainage, streets, sidewalks, parking, traffic circulation);
- b) Areas where there is a potential for a more efficient use of land through redevelopment or infilling;
- c) Areas of older dwellings and buildings which are in need of repair and/or rehabilitation;
- d) Areas with land use conflicts or incompatibilities.

6.4 ESTABLISHING PRIORITIES

Community improvement projects shall be identified, from time to time, having regard to the stated goals and objectives, the availability of government assistance programs, the impact on the area directly affected and the financial limitations to the Municipality. Priorities will be given to those areas where deficiencies are found to be the most critical from the standpoint of public health and safety.

6.5 IMPLEMENTATION

The Municipality may utilize the following methods in undertaking community improvement projects:

- a) designation of 'community improvement project areas' and the subsequent preparation, adoption and implementation of 'community improvement plans' pursuant to the Planning Act;
- b) undertaking capital improvements and public works;
- c) acquiring, holding, and preparing lands for redevelopment;

- d) preserving and restoring architecturally and historically significant buildings and structures;
- e) using the site plan approval process and other planing approvals to ensure the attractiveness and compatibility of new development and improvements to existing conditions;
- f) utilizing funding programs of other levels of government;
- g) eliciting the support and involvement of local business groups and service clubs.

7.0 OTHER LAND USES

7.1 PUBLIC USES

The uses of land by the Municipality and the Government of Canada, Province of Ontario and County of Middlesex shall be permitted in all land use designations, where necessary, to serve the public interest. Buildings and structures associated with such uses shall also be permitted in accordance with the relevant policies of this Plan and shall satisfy the requirements of the Zoning By-law. Where a use is being proposed by the Municipality, the following shall be taken into account:

- a) The degree, if any, of any existing or potential hazards;
- b) The potential impacts of the proposed use on neighbouring land uses (both existing and proposed);
- c) The proposed methods by which these impacts are capable of being overcome in a manner consistent with the accepted land use and environmental practices and engineering techniques.

7.2 PUBLIC UTILITIES

The use of land for the provision of public utilities (e.g. electricity, natural gas, telecommunications) shall be permitted in all land use designations in an orderly and efficient manner and in accordance with any and all environmental requirements without an amendment to this Plan.

7.3 ACCESSORY USES

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures accessory, incidental or subordinate to that use shall also be permitted. Standards for accessory uses, buildings and structures shall be prescribed in the Zoning By-law.

8.0 IMPLEMENTATION AND INTERPRETATION

A key element of the Official Plan is the tools used to interpret and implement it. This final section of the Plan provides policies for implementation, as well as interpretation, amendments and review of the Plan.

8.1 GENERAL

8.1.1 Unexpected Situations

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

8.1.2 Land Use Boundaries

The boundaries of the land use designations shown on the schedules to this Plan are to be considered approximate. Only where the boundaries are defined by public roads, the Little Ausable River, streams or similar physiographic barriers shall they be considered as absolute.

8.1.3 Numerics

Numerical figures in this Plan are to be considered approximate. Minor deviations from these figures may be acceptable without the need for an amendment, provided the general intent and spirit of the Plan is maintained.

8.1.4 Implementation Measures

This Plan shall be implemented by means of the powers conferred upon the Municipality by the Planning Act, the Municipal Act, the Environmental Assessment Act, and such other statutes as may be applicable from time to time. This Plan shall also be implemented in a manner that is consistent with the Provincial Policy Statement as well as the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. More particularly, the Plan shall be implemented by the enactment of zoning by-laws, site plan control, the granting of consents and the approval of plans of subdivision, and the undertaking of community improvement projects and public works.

8.1.5 References to Statutes

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

8.1.6 Review of Existing By-laws

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

8.1.7 Italics

Where in this Plan italics are used, they are used to identify portions of the text provided for information purposes only and intended to provide a context or greater understanding of the text which follows.

8.2 AMENDMENTS AND REVIEW

8.2.1 When Considered

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

The Township encourages persons to consult with the Township prior to making an application to amend the Official Plan and/or Zoning By-law, and may by passing of a by-law make pre-application consultation mandatory.

Any person who wishes to amend the Official Plan or Zoning By-law must submit a complete application to the Township of Lucan Biddulph. A complete application shall include any reports or studies deemed appropriate by the Township in consultation with reviewing agencies to address the Provincial Policy Statement 2014, the policies of the Official Plan, and the regulations of the Zoning By-law. Such studies or reports may include matters relating to agriculture, natural heritage, water, or other resources identified in the Plan; transportation, servicing and infrastructure; cultural heritage and archaeological resources; hazardous lands; or other land use planning matters identified in the Plan

8.2.2 When Not Required

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

8.2.3 Five Year Review

The Municipality shall, not less frequently than every five years from the date of adoption of the Plan, convene at least one special meeting of Council, open to the public, in accordance with the Planning Act, for the purpose of determining the need for any amendments or revisions to the Plan.

8.2.4 Comprehensive Review

A comprehensive review will be undertaken towards the end of the planning period unless circumstances warrant an earlier review including settlement boundary adjustments and employment land conversions. Studies in support of such a review may range in complexity based on the proposal and shall be conducted in accordance with the policies of the Provincial Policy Statement 2014.

8.3 PLAN OF SUBDIVISION/CONDOMINIUM

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

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

8.4 CONSENTS

8.4.1 New Lots

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

- a) Whether a plan of subdivision is considered necessary to ensure the proper and orderly development of the Township. Generally, a plan of subdivision shall not be considered necessary where the proposal represents a limited number of lots, the proposed lots front on an open public road and there is no other land under the same ownership adjacent to the lots proposed to be created and designated for the same type of development;
- b) Whether the proposed use and severance is in conformity with the policies and land use designations of this Plan and the Official Plan of the County of Middlesex;
- c) Whether the requirements of the Planning Act with respect to a plan of subdivision are satisfied;
- d) The effect of any relevant provincial policy statements issued pursuant to the Planning Act;
- e) The input received from public agencies.

Issues arising out of the above evaluation may be addressed through conditions imposed to the granting of the severance, including entering into an agreement between the Municipality and the applicant pursuant to the Planning Act.

8.4.2 Adjusting and Correcting Lot Boundaries

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

- a) The conveyance does not lead to the creation of an undersized, irregularly shaped lot(s) unsuited to the purpose for which it is being used or proposed to be used, or contrary to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted;

- b) The lands being conveyed are registered in the same name and title as the lands to which they are being added;
- c) It is stipulated in the granting of the severance that any subsequent conveyance or transaction will require a future severance.

8.4.3 Mortgage Purposes

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

8.5 ZONING

8.5.1 Conformity

Except as may be otherwise provided for by this Plan, the Zoning By-law shall zone land in conformity with the land use designations and policies of this Plan and shall establish regulations to control the use of land and the character, location, and use of buildings and structures.

8.5.2 Existing Uses

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

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

8.5.3 Non-Conforming Uses

Those existing uses of land, which do not satisfy the requirements of Section 8.5.2 shall not be recognized as conforming uses in the Zoning By-law. While it is the intent of this Plan that such uses cease to exist in the long run, it may be acceptable to permit their extension or enlargement where it is otherwise not feasible for the Municipality to acquire them or to relocate them to a more desirable location in conformity with this Plan. In these circumstances, permission to extend or enlarge these non-conforming uses shall be based on the following considerations:

- a) The proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use particularly in regard to neighbouring uses, the policies of this Plan and the regulations of the Zoning By-law;
- b) The proposed extension or enlargement is in appropriate proportion to the size of the non-conforming use as it existed on the date of passing of the Zoning By-law;
- c) The characteristics of the non-conforming use and the proposed extension or enlargement with regard to noise, vibration, fumes, smoke, dust, odour, lighting or traffic generation will not add significantly to the incompatibility of the use with the surrounding area;
- d) The neighbouring uses will be protected, where deemed necessary, by landscaping; buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and by regulations for alleviating adverse impacts caused by outside storage, lighting, signs and other similar devices. Such provisions and regulations shall be applied as conditions to the proposed extension or enlargement and may also be extended to the established use in order to improve its compatibility with the surrounding area;
- e) Traffic and parking conditions in the vicinity shall not be adversely affected by the extension and enlargement. Traffic hazards shall be kept a minimum by the appropriate design of ingress and egress points to and from the site. Improvement of sight conditions especially in proximity to traffic intersections may be required;
- f) Adequate provisions shall be made for parking and loading facilities where deemed necessary or desirable;

- g) Existing or proposed services and utilities shall be adequate or be made adequate to service the proposed extension or enlargement.

8.5.4 Premature Uses or Development

Where the precise use of undeveloped lands designated for development purposes is not capable of being determined, such lands may be placed in a restricted use or future development zone in the zoning by-law, until such time as a specific proposal has been submitted as conditions and circumstances are appropriate and as the policies of the Plan are satisfied for development to take place.

8.6 TEMPORARY USES

8.6.1 Duration and Location

The temporary use of land, buildings and structures may be authorized by the Municipality through the passing of a temporary use by-law in accordance with the Planning Act. Such uses may be permitted in all land use designations without an amendment to this Plan.

The temporary use by-law shall describe the area affected and specify the duration for which the use permitted by the by-law will be allowed.

8.6.2 Criteria

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

- a) existence of adequate and approved services where required;
- b) satisfactory and approved vehicular access to a public road of reasonable construction and maintenance to permit year round access;
- c) compatibility with adjacent and surrounding uses;
- d) effect on possible and probable future uses in the immediate area;
- e) satisfactory assurances from the applicant that the land will be returned to its previous state and all buildings and structures removed (where deemed appropriate) upon the lapsing of the period stipulated in the by-law or upon the lapsing of any extension period that may be granted.

8.7 HOLDING PROVISIONS

The use of a holding symbol ('H') may be applied in conjunction with any land use zone of the Zoning By-law. The purpose of the 'H' symbol is to generally prevent or limit the use of land in order to achieve orderly, phased development and to ensure that the servicing and other requirements of this Plan have been met. Removal of the 'H' symbol shall not take place until the following conditions have been met:

- a) a specific proposal has been submitted to the Municipality;
- b) the relevant policies of this Plan are satisfied with respect to the use or development being proposed;
- c) services and utilities have been demonstrated to have sufficient capacity and are available to service the proposed development;
- d) a plan of subdivision, where appropriate, has been submitted and has received draft plan approval;
- e) a satisfactory agreement, where deemed necessary, has been entered into between the Municipality and the developer/owner.

In the interim and until such time as the 'H' symbol is removed, the Zoning By-law may permit uses, buildings and structures and those uses which are compatible with neighbouring uses, which would not compromise the ultimate and desirable development of the lands and which are in conformity with this Plan. The Zoning By-law may also prescribe regulations allowing enlargement of existing buildings and the erection or extension of accessory buildings.

8.8 MINOR VARIANCES

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

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

- c) whether with the general intent and purpose of the Zoning By-law are maintained;
- d) whether the variance is desirable for the appropriate use and development of the lands and neighbouring lands;
- e) whether compliance with the Zoning By-law would be unreasonable, undesirable or would impose undue hardship;
- f) whether the variance would result in a substantial detriment, hazard or nuisance that would detract from enjoyment, character or use of neighbouring lands.

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

8.9 INTERIM CONTROL

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

8.10 SITE PLAN CONTROL

8.10.1 Scope

New uses and significant expansion to existing uses, with the exception of low-density residential uses and agricultural uses other than intensive livestock operations, shall be subject to the site plan control provisions of the Planning Act.

8.10.2 Requirements

A site plan, satisfactory to the Municipality, may be required indicating the proposed use, the proposed location of all buildings and structures, proposed ingress and egress, parking areas and loading areas, landscaping, grading and drainage, external lighting, buffering and other measures to protect adjoining lands. The location of any required well site, septic tank and tile field envelope (if applicable) and storm drainage provisions shall accompany every proposal.

8.10.3 Agreement

A site plan agreement pursuant to the site plan control provisions of the Planning Act shall be required in most instances. Where development is proposed adjacent to a County Road or Provincial Highway, the Municipality shall request the comments of the County of Middlesex and the Ministry of Transportation, as the case may be, prior to execution of the site plan agreement. The submission of drawings showing plan, elevation and cross-section views shall be required for new development, including residential buildings containing more than three dwelling units.

8.10.4 Guidelines

The Municipality may prepare and adopt guidelines to assist developers in preparing site plans for submission and approval by the Municipality.

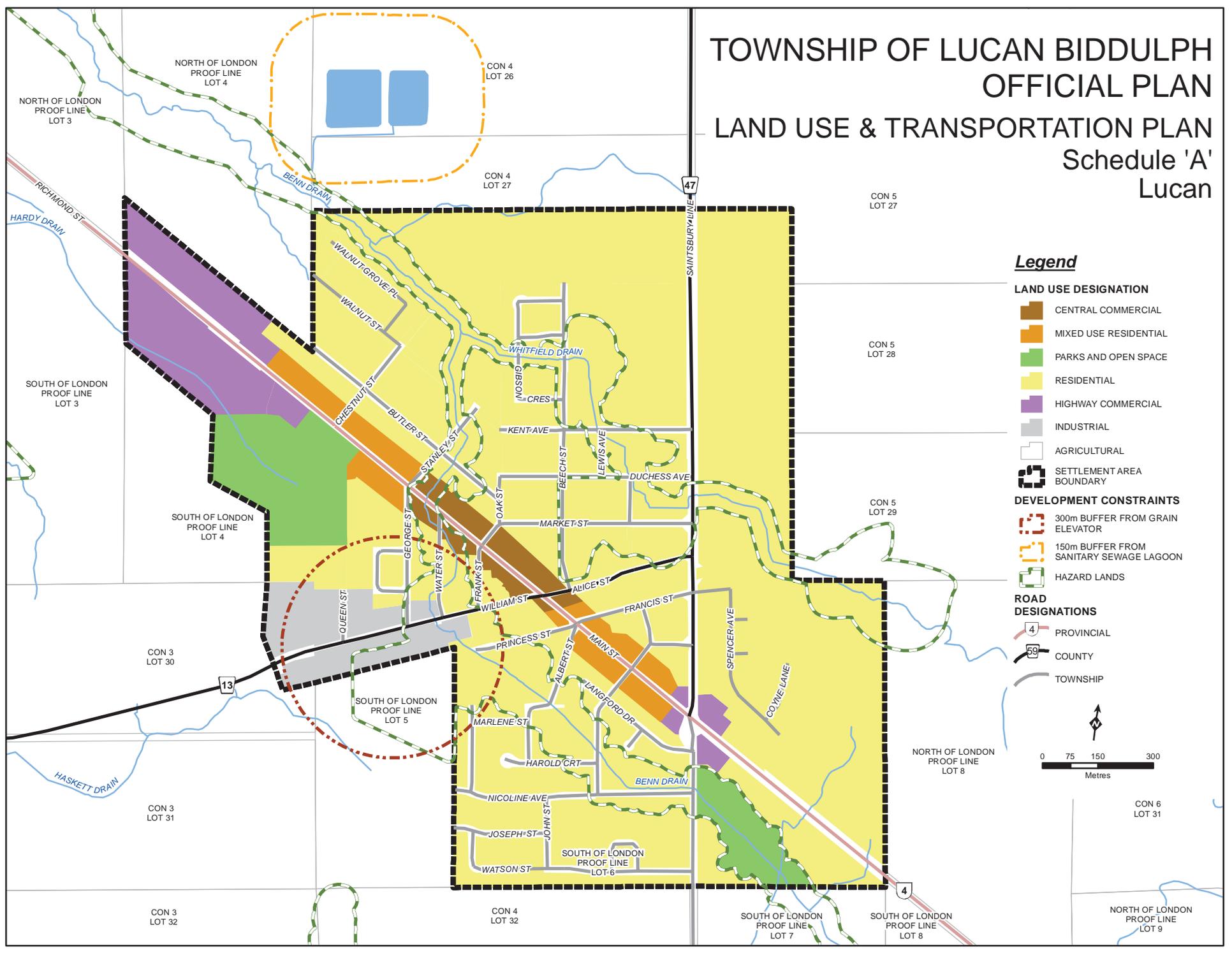
8.11 DEVELOPMENT CHARGES

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

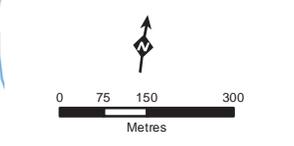
8.12 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS

The Township may prepare and adopt bylaws to ensure minimum standards of property maintenance and occupancy to protect public health, safety and welfare; to eliminate or avoid unsightly conditions and appearances with respect to buildings, lands and neighbourhoods; and to ensure adequate enjoyment of property. These by-laws may take the form of property maintenance and occupancy standards adopted under the Building Code Act or the clearing and cleaning of land adopted under the Municipal Act.

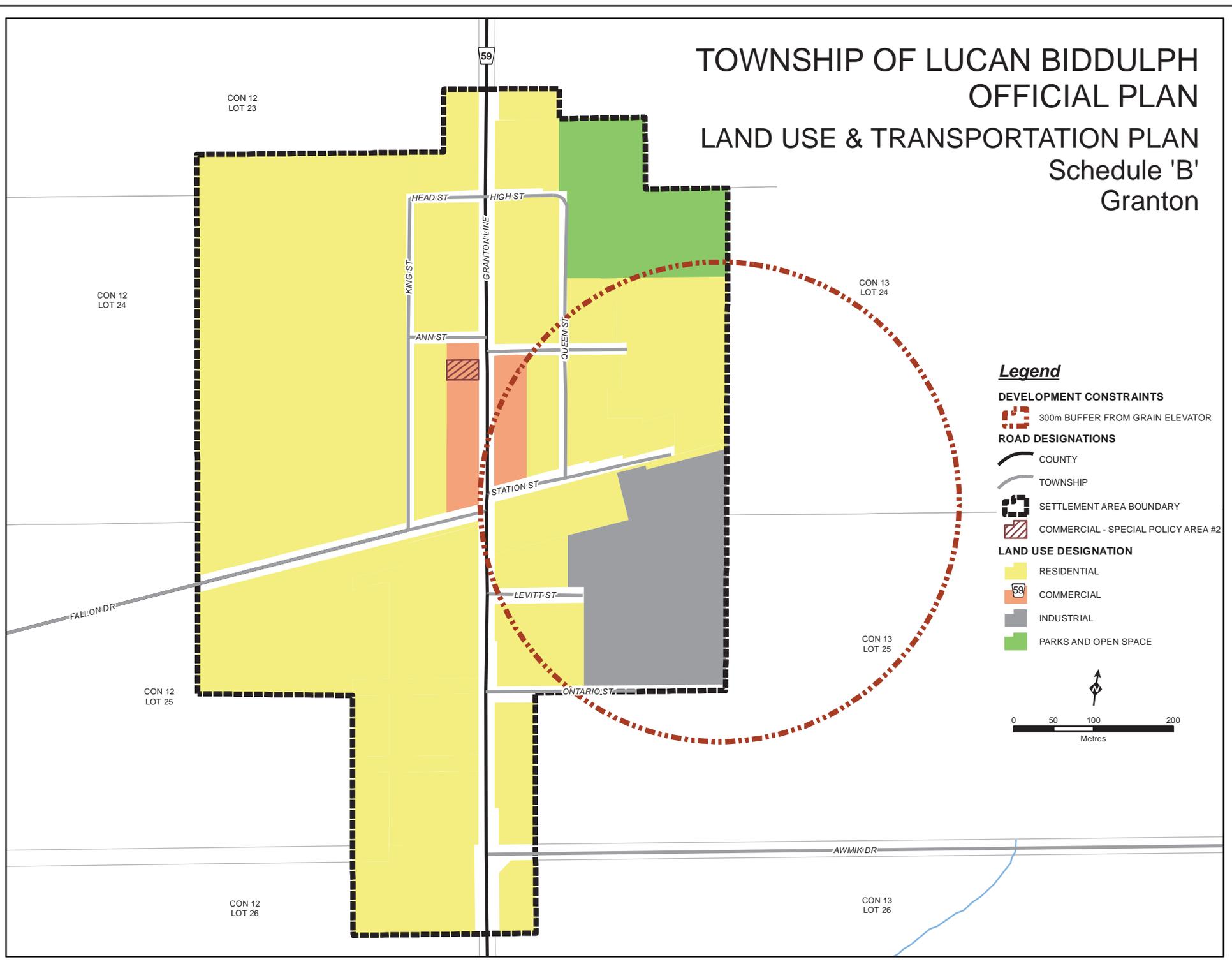
TOWNSHIP OF LUCAN BIDDULPH OFFICIAL PLAN LAND USE & TRANSPORTATION PLAN Schedule 'A' Lucan



- Legend**
- LAND USE DESIGNATION**
- CENTRAL COMMERCIAL
 - MIXED USE RESIDENTIAL
 - PARKS AND OPEN SPACE
 - RESIDENTIAL
 - HIGHWAY COMMERCIAL
 - INDUSTRIAL
 - AGRICULTURAL
- DEVELOPMENT CONSTRAINTS**
- 300m BUFFER FROM GRAIN ELEVATOR
 - 150m BUFFER FROM SANITARY SEWAGE LAGOON
 - HAZARD LANDS
- ROAD DESIGNATIONS**
- PROVINCIAL
 - COUNTY
 - TOWNSHIP

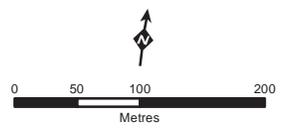


TOWNSHIP OF LUCAN BIDDULPH OFFICIAL PLAN LAND USE & TRANSPORTATION PLAN Schedule 'B' Granton

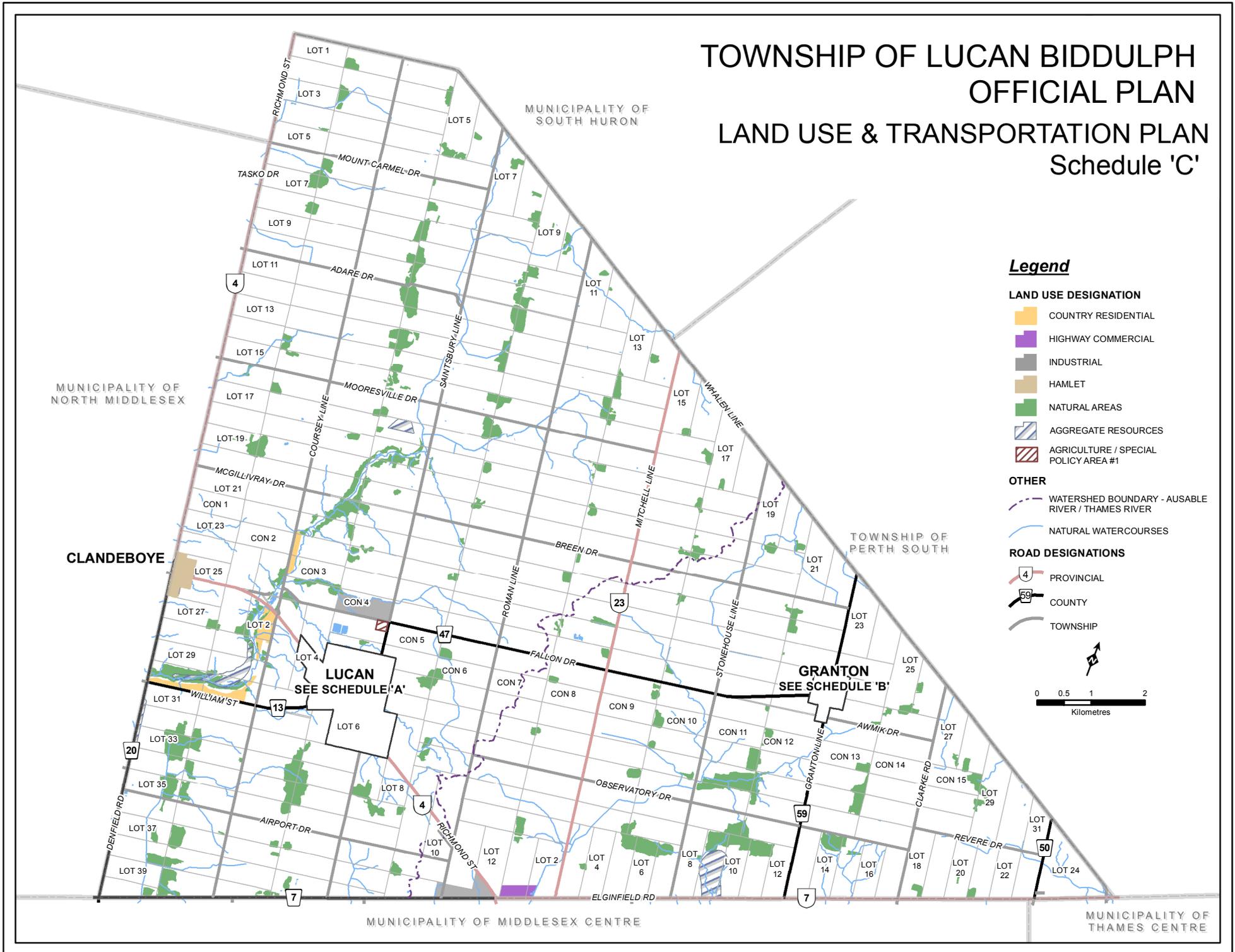


Legend

- DEVELOPMENT CONSTRAINTS**
 - 300m BUFFER FROM GRAIN ELEVATOR
- ROAD DESIGNATIONS**
 - COUNTY
 - TOWNSHIP
 - SETTLEMENT AREA BOUNDARY
 - COMMERCIAL - SPECIAL POLICY AREA #2
- LAND USE DESIGNATION**
 - RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - PARKS AND OPEN SPACE



TOWNSHIP OF LUCAN BIDDULPH OFFICIAL PLAN LAND USE & TRANSPORTATION PLAN Schedule 'C'



Legend

LAND USE DESIGNATION

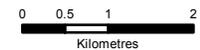
- COUNTRY RESIDENTIAL
- HIGHWAY COMMERCIAL
- INDUSTRIAL
- HAMLET
- NATURAL AREAS
- AGGREGATE RESOURCES
- AGRICULTURE / SPECIAL POLICY AREA #1

OTHER

- WATERSHED BOUNDARY - AUSABLE RIVER / THAMES RIVER
- NATURAL WATERCOURSES

ROAD DESIGNATIONS

- 4 PROVINCIAL
- 59 COUNTY
- TOWNSHIP



TOWNSHIP OF LUCAN BIDDULPH OFFICIAL PLAN CONSTRAINTS Schedule 'D'

