

9.

AGRICULTURE, RURAL SETTLEMENT AND URBAN RESERVE LAND USE DESIGNATIONS

(Title amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

INTRODUCTION

The Agriculture land use designation is applied to lands outside of the urban community, rural settlement areas and areas designated for urban growth over the planning period, where agriculture and farm-related activities are the predominant land use. In addition to productive farm land the agricultural area includes lands of lesser or marginal value for crop production as well as woodlots and other natural features. The objectives and policies of this Chapter are intended to protect the agricultural land resource and maintain the viability of farming within these areas so that agriculture continues to make a significant contribution to London's economy. The policies recognize the need for a long term commitment to agriculture and are intended to prohibit the fragmentation of land holdings, minimize the loss of prime agricultural land to non-farm development, and prohibit the introduction of land uses that are incompatible with, or may potentially constrain farm operations.

Existing clusters or strips of non-farm settlements outside of the urban community and outside areas designated for urban growth shall be designated Rural Settlement. The areas designated Rural Settlement on Schedule `A' include the hamlets of Glanworth and Scottsville, which have historically developed as farm service centres and currently exist as small residential communities with a mix of small-scale commercial uses. The hamlets are not regarded as centres for growth, and development will be limited to uses that can be accommodated on an infill basis and adequately served by individual waste disposal systems and water supply.

There are also strips of existing residential uses along some sections of roads within the agricultural area. While it is the general intent of this Plan to discourage new residential lot creation in agricultural areas, there are opportunities for infill lot creation within these identified established strips. New residential dwellings in these areas are unlikely to place further constraints on farm operations on nearby lands and are a preferred alternative to the creation of scattered non-farm residential uses in the agricultural areas.

The Urban Reserve land use designation is intended to apply to large, mostly undeveloped and unserviced parcels of land which may be proposed for development during the life of this Plan, but where the detailed land use pattern has not been established. While it is recognized that areas designated Urban Reserve will ultimately be developed, it is considered premature to apply individual land use designations to these areas, given the large sizes of these areas and the level of information that is currently available. A restrictive approach to lot creation and development in the Urban Reserve designation is taken in order to avoid patterns of land ownership and use that will detract from the community planning process.

Policies contained in this Section of the Plan provide a framework which will guide future development decisions for Urban Reserve areas and ensure that an appropriate level of comprehensive planning has been undertaken prior to designating these areas for urban development.

(Introduction added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.1.

OBJECTIVES FOR THE AGRICULTURE, RURAL SETTLEMENT AND URBAN RESERVE DESIGNATION

9.1.1. Objectives for the Agriculture Designation

The use of areas designated "Agriculture" shall be directed towards the following objectives:

- i) Protect, maintain and improve the prime agriculture land base for future generations. Prime agricultural land consists of Classes 1, 2, and 3 soils according to the Canada Land Inventory Capability Classification for Agriculture mapping and specialty croplands.
- ii) Promote and support a healthy and productive agricultural industry as a key component of the City's economic base and heritage.
- iii) Promote farm practices which encourage the conservation of surface and ground water resources, aquatic habitat, woodlands, wetlands, wildlife habitat and other natural features, where such practices do not impose undue limitations on the farming community.
- iv) Support a pattern of agricultural land holdings that increases the viability of farm operations and avoids the fragmentation of land ownership.
- v) Discourage uses which are not supportive of agriculture from locating in areas designated for agricultural purposes.
- vi) Direct permitted agriculturally-related development in agricultural areas to lands that have a marginal or lesser capability for agriculture, and where the potential for conflict between agricultural and non-agricultural uses will be minimized.
- vii) Minimize the potential for land use conflicts between residential uses in the settlement area and livestock operations.
- viii) Discourage the creation of non-farm residential lots in the agricultural area.
(Subsection 9.1.1 added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- ix) Mitigate impacts from any new non-agricultural uses on surrounding agricultural operations and lands to the extent feasible.
(Clause ix) added by Ministry Mod. #21 Dec. 17/09)

9.1.2. Objectives for the

The use of areas designated "Rural Settlement" shall be directed towards the following objectives:

Rural Settlement Designation

- i) Provide opportunities for the location of new non-farm residential uses in the rural areas on an infill basis, thereby avoiding the loss of productive agricultural lands.
- ii) Allow for the infill development of small-scale commercial, industrial and institutional uses that serve the rural settlement and surrounding rural community, can be accommodated on individual on-site services and are compatible with existing uses.
- iii) Recognize that the primary intent of the Official Plan is to direct urban development to the urban community and designated growth areas, and to discourage the creation of new rural settlement areas.

(Subsection 9.1.2 added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.1.3. Objectives for Urban Reserve Designation

The use of areas designated Urban Reserve shall be directed towards the following objectives:

- i) Provide for a degree of guidance with respect to the designation and future use of large, undeveloped parcels of land which may be proposed for urban development.
- ii) Provide a process for developing detailed land use patterns for areas designated "Urban Reserve".

(Subsection 9.1.3 renumbered by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.2.

AGRICULTURE

(Section 9.2 added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.2.1. Primary Permitted Uses

Within areas designated "Agriculture" on Schedule "A", the primary permitted use of land shall be for the cultivation of land and the raising of livestock. A full range of farming types shall be permitted including, but not limited to, general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture and agricultural research.

A farm residence is permitted as is a home occupation and a secondary farm occupation in accordance with the provisions of policies 9.2.5. and 9.2.6. of this Plan.

9.2.2. Secondary Permitted Uses

Secondary permitted uses in the Agriculture designation include secondary farm dwellings in accordance with the provisions of policy 9.2.7., agriculturally-related commercial and industrial uses, subject to the provisions of policy 9.2.8.; public open space and conservation uses subject to the provisions of policy 9.2.12.; public utilities and storm water management facilities subject to the provisions of Chapter 17. Oil and gas extraction may be permitted in accordance with the provisions of Chapter 15 of this Plan.

9.2.2.1 Small Wind

A small wind energy conversion system (SWECS), consisting of one wind turbine and blades, one supporting tower and associated control or

Energy Conversion System

conversion electronics, may be a permitted use in the Agriculture designation. Zoning standards are established to govern compatibility with the main dwelling as well as the surrounding land uses. Where listed as a permitted use, one SWECS may be erected on a lot subject to the following provisions:

Site Plan

- i) An application for a SWECS shall be subject to Site Plan Control. A site plan drawing shall be submitted illustrating the location of the SWECS, as well as the location of all existing buildings and structures on the subject property and the location of all existing buildings and structures on adjacent properties.

Zoning By-law

- ii) Setbacks from road allowances, lot lines, and structures as well as maximum height provisions shall be established in the Zoning By-law.

Impact Mitigation

- iii) The colour of the SWECS, including the mast and the blades, as well as any accessory buildings shall be finished externally in a colour acceptable to the Municipality. Required cables and/or transformers associated with the SWECS shall be located within each turbine tower structure and/or shall be located underground beside the tower. Adverse impacts associated with shadow flicker and overshadowing on neighbouring buildings and land uses will be avoided.

Proximity to London International Airport

- iv) Where a SWECS is constructed within 5,000m of London International Airport, written approval from Transport Canada will be required to provide assurance that there will be no adverse effect on the safe operation of the Airport.

9.2.3. Existing Uses

Subject to the provisions of Section 19.5, uses not permitted as primary or secondary uses but which legally exist on the date of Council adoption of this policy, may be regarded as permitted uses. These uses include institutional uses such as schools, churches, group homes, cemeteries, and specialized care facilities; recreational facilities such as golf courses, campgrounds, trailer parks and recreational vehicle facilities; non-farm residential uses; and aggregate resource uses. New institutional and recreational uses such as those listed in this subsection are not considered to be primary or secondary permitted uses in the Agriculture designation and are encouraged to locate within the urban community or areas designated for urban growth.

9.2.4. Applications to Expand or Add New Pits or Quarries

Applications to expand or add new pits or quarries in areas identified as Aggregate Resource Areas, as shown on Schedule "B" - Flood Plain and Environmental Features, may be permitted by Official Plan amendment and shall be subject to the policies of Section 15.10.

9.2.5. Home Occupations

Home occupations not directly related to, but supportive of, a principle farm operation may be permitted provided they are secondary to the primary use of the property, operated only by those residing on the property on which the home occupation is located, and conducted entirely within the dwelling.

The type of home occupation permitted and the standards applying to these uses shall be set out in the Zoning By-law and may include the range of activities, floor area limits, parking and signage requirements.

**9.2.6.
Secondary Farm
Occupations**

Secondary farm occupations are to be carried on as part of the farm unit as a means of providing supplemental income to support the farm family and the viability of the primary farming operation. A secondary farm occupation conducted with a building other than a dwelling may be permitted provided it remains secondary to the agricultural use on the farm. Secondary farm occupations are differentiated from "home occupations" by the larger size and scale of the activity. A secondary farm occupation may be permitted by an amendment to the Zoning By-law subject to the following criteria:

- | | |
|-----------------------|--|
| Permitted Occupations | i) A secondary farm occupation may include the processing or retailing of goods produced on the farm, a welding or fabricating shop, a vehicle repair establishment, a contractor or trade shop, a personal service establishment, a craftsperson's shop, a day care facility, a seasonal roadside produce stand, a bed and breakfast or farm vacation establishment, a small business office, or any other occupation which is directly related to agriculture. |
| Number of Activities | ii) One permanent secondary farm occupation will be permitted per farm lot in addition to seasonal or intermittent uses permitted in conjunction with the primary farm operation. |
| Size | iii) Existing buildings or structures may be used for a secondary farm occupation. New buildings or structures, or additions to buildings or structures may be constructed for the purposes of the secondary farm occupation as part of the farm cluster but shall be of comparatively small scale relative to the farm operation, as established through the Zoning By-law. |
| Employees | iv) A secondary farm occupation shall be operated directly by the resident farmer and immediate family members and a maximum of two additional employees. |
| Location | v) A secondary farm occupation shall be conducted in conjunction with the existing farm cluster including any new buildings or facilities constructed for the secondary use. Access to secondary farm occupations shall be restricted to an existing driveway and no new driveway will be permitted. |
| Servicing | vi) Adequate on-site sewage and water systems can be provided to accommodate the secondary farm occupation. |

**9.2.6.1.
Existing Uses**

Existing secondary farm occupations will be recognized and zoned in the Zoning By-law.

**9.2.6.2.
Severance
Consent**

The severance of land to separate a secondary farm occupation from a farm property will not be permitted.

**9.2.7.
Secondary Farm
Dwelling**

The establishment of one additional single detached dwelling on the farm unit for the farm owner, an immediate family member engaged in full-time employment on the farm or a full-time farm employee, or living quarters for seasonal farm help, may be permitted by an amendment to the Zoning By-law subject to the following conditions:

- i) The size of farm parcel and type of farm operation warrants an additional dwelling unit to provide for the close proximity of farm personnel to farm operations.
- ii) A factory built or manufactured home may be permitted as an additional dwelling unit provided the home is placed on a permanent foundation and meets all requirements of the Zoning By-law and Building Code.
- iii) The dwelling unit or living quarters for seasonal farm help shall be clustered with the existing single detached dwelling and farm related buildings and structures. Access to the secondary farm dwelling or living quarters for seasonal farm help shall be restricted to an existing driveway and no new driveway will be permitted.
- iv) A secondary farm dwelling shall not be severed from the farm unit.

**9.2.8.
Agriculturally-
Related
Commercial and
Industrial Uses**

Small-scale agriculturally-related commercial and industrial uses that are supportive of the farm operation and that require a location in close proximity to a farm operation are permitted in areas designated "Agriculture". Such uses include grain drying, handling and storage facilities, and farm market uses. Legally existing agriculturally-related commercial and industrial uses will be recognized in the Zoning By-law. Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible. New agriculturally-related commercial and industrial uses may be permitted by an amendment to the Zoning By-law to apply the appropriate agricultural commercial or agricultural industrial zone, subject to the following policies:

(Section 9.2.8. amended by OPA 438 Dec. 17/09)

Size

- i) The amount of land devoted to the activity includes only the minimum necessary to support the activity and its servicing requirements.

Need

- ii) It can be demonstrated that the use is supportive of the farm operation and requires a location in close proximity to the farm operation to function successfully.
(Clause ii) amended by OPA 438 Dec. 17/09)

Location

- iii) The location of the facility should not impose any operating constraints or result in a reduction of the efficiency of existing

farms in the vicinity. Agriculturally-related commercial and industrial uses should be directed to sites having soil capability, drainage, topographic, site size or configuration limitations for agriculture.

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|----------------|---|
| Servicing | iv) The facility does not require municipal water or sewage disposal services and can meet all requirements for the provision of individual on-site services. |
| Transportation | v) Access shall be available from a public highway or public road. The access must not create a potential traffic hazard due to poor sight lines or proximity to an intersection, steep grade or curve. An agriculturally-related commercial or industrial use shall be located on a road capable of accommodating, on a year round basis, the volume and type of traffic, including truck traffic, that the proposed use is likely to generate. |
| Environment | vi) Adequate drainage and suitable outlets for storm water runoff can be provided. |
| Site Plan | vii) Agriculturally-related commercial and industrial uses are subject to site plan control. The site plan and development agreement shall address the following: <ul style="list-style-type: none">(a) dimensions of the lot;(b) building areas and location on the lot including surrounding land uses and buildings;(c) ingress and egress to and from the site, including parking facilities;(d) the location of outdoor storage facilities;(e) servicing provisions;(f) compliance with the Minimum Distance Separation requirements;(g) site grading and fencing; and(h) on-site stormwater management facilities. |

**9.2.9.
Existing
Agricultural Lots**

It is the intent of this Plan, as set out in the agricultural land consent policies in policy 9.2.14., to encourage the retention or consolidation of farm parcels so that farms are of sufficient size to promote efficient operations and responsible environmental management, and to maintain long term viability and flexibility. A minimum farm parcel size of 40 hectares shall be establishment in the Zoning By-law in keeping with this intent.

It is recognized, however, that there are existing land holdings in the Agriculture designation that do not meet the minimum farm parcel size.

Existing lots which are under separate ownership from abutting parcels of land at the date of adoption of this Plan, may be used for agricultural purposes, including one single detached dwelling, subject to the Minimum Distance Separation requirements described in policy 9.2.10. Single detached dwellings are also subject to the following policies:

- i) An adequate and potable water supply is available or can be made available on the site subject to the approval of the authority having jurisdiction.
- ii) The lot size is sufficient and the soils are suitable to support an individual on-site waste disposal system subject to the approval of the authority having jurisdiction.

(Section 9.2.9. amended by OPA 438 Dec. 17/09)

**9.2.10.
Minimum
Distance
Separation
Requirements**

The creation or expansion of any livestock operation within the Agriculture, Rural Settlement and Urban Reserve designation will be required to comply with the Minimum Distance Separation (MDSII Formula) requirements established by the Ontario Ministry of Agriculture, Food and Rural Affairs.

Livestock operations that exist within the Agriculture or Rural Settlement designation will be provided protection from the encroachment of all new development including all applications for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision or Condominiums, or land severances; through the application of Minimum Distance Separation (MDS I Formula) requirements.

(Section 9.2.10. amended by OPA 438 Dec. 17/09)

Lands within the Urban Reserve designation that cannot be developed for urban purposes due to MDS I requirements may be permitted to develop for municipal infrastructure that does not allow for passive/active recreation uses. Lands within the Urban Reserve designation that cannot be developed for urban uses due to MDS I requirements may be draft approved for plans of subdivision or condominium only where a holding zone or draft plan conditions requiring phasing are applied to these lands to preclude development until such time as the subject livestock facility is removed.

(OPA No. 212 - OMB Order No. 1222 - approved 01/07/30)

**Application of
MDS1 to Existing
Lots of Record**

The City shall require compliance with the MDS1 requirements for all types of development proposed by building permit on all existing lots of record.

(Added by OPA 438 Dec 17/09)

**Application of
MDS1 to Surplus
Farm Dwelling
Severances**

The City does not require compliance with the MDS1 requirements for surplus farm dwelling severances in accordance with policy 9.2.14.6. of this plan.

(Added by OPA 438 Dec. 17/09)

Application of MDS 1 after a Catastrophe The City does not require compliance with the MDS 1 requirements for the construction of a new dwelling that is replacing a dwelling that is destroyed in whole, or in part, by a catastrophe, provided that the new dwelling is located no closer to a livestock facility than prior to the catastrophe.
(Added by OPS 438 Dec. 17/09)

Application of MDS 2 to Expansion of Rural Settlement Designation The City shall require compliance with the MDS 1 requirements for any proposal to expand the Rural Settlement land use designation.
(Added by Ministry Mod. #22 Dec. 17/09)

Application of MDSII within Settlement Areas The City shall apply the MDSII requirements for the construction of a livestock facility that is replacing a livestock facility that is destroyed by a catastrophe.
(Added by OPA 438 Dec. 17/09)

Application of MDS to Cemeteries The City shall treat cemeteries in compliance with the Minimum Distance Separation Implementation Guidelines.
(Added by OPA 438 Dec. 17/09)

9.2.10.1 For the lands within the expanded Urban Growth Boundary and lands adjacent to that area, as shown on Schedule 1, the following applies with respect to calculations undertaken to satisfy minimum distance separation (MDS) guidelines for MDS I and MDS II:

The City will apply Type 'A' land use classification for the purposes of MDS I, and only Industrial Uses will be permitted within the Type 'B' MDS setback. All other land uses or applications for changes in land use to designations other than for Industrial Uses will be calculated on the basis of MDS Type 'B' land classification.

For expansions of existing livestock operations within the area identified on Schedule 1, the City will apply a Type 'A' land use classification to existing, adjacent urban and industrial uses, Official Plan designations and Zones, for the purposes of MDS II calculations.

If, in future, any of the livestock facilities ceases to exist, there would no longer be a trigger for MDS calculations and the site specific policy area will be removed for that particular area that was affected.

For the purposes of this policy, livestock facilities are one or more barns or permanent structures with livestock-occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or materials storage and anaerobic digestors. (OPA 612)

9.2.11. Building Permit Applications for Livestock Prior to the issuance of any building permit for the establishment of a new livestock building or structure, or an expansion to an existing livestock building or structure including manure storage and other waste handling facilities, the City shall require compliance with the Minimum Distance

Operations

Separation (MDS) requirements and with the provisions of the Zoning By-law.

(Section 9.2.11. amended by OPA 438 Dec. 17/09)

9.2.12. Public Open Space and Conservation Uses

Public open space and conservation uses will be permitted within areas designated "Agriculture". Public open space uses may include outdoor recreational activities of a passive nature and conservation areas, as well as any ancillary facilities that are associated with their uses. Public open space and conservation uses are subject to the following:

(Section 9.2.12. amended by OPA 438 Dec. 17/09)

- i) Public open space and conservation uses will be conducive to the retention or enhancement of natural features and functions of the site and will not alter the soil or topography adversely.
- ii) Public open space and conservation uses will be supportive of, or neutral to agriculture and free from buildings or structures except those necessary for a permitted recreational activity. In areas that have significant natural features or functions, recreational activities shall be limited to those of an educational or instructive nature which involve minimal impact on the feature or function.

9.2.13. Environmental Protection and Enhancement

City Council may develop programs in cooperation with the Province, the Conservation Authorities and other agencies or groups and landowners to promote the protection and enhancement of natural areas located in the "Agriculture" designation. Such areas or features include habitat for plants, fish and wildlife; ground water recharge and discharge areas; stream corridors; wetlands and woodlots. The intent of these programs is to promote environmental benefits without creating constraints for agricultural land management and farming operations. No project or works will be undertaken that would adversely affect the functioning of agricultural land drainage systems, or impede the management or maintenance of land drainage systems.

City Council, in cooperation with the Conservation Authorities, other agencies or groups and landowners, may wish to promote the retention, responsible management and expansion of woodlots by:

- i) encouraging the expansion or creation of woodlots on lands having poorer soil capability or other limitations for agriculture, and on publicly owned lands;
- ii) supporting a tree planting program for rural areas;
- iii) implementing and monitoring a by-law under the *Trees Act* to limit the destruction of trees and to assist in ensuring the long term health and productivity of woodlots;
- iv) requiring studies, when necessary, to be carried out on the impact of development on significant forest and woodlots;
- v) encouraging landowners to make use of programs and services

provided by the Ministry of Natural Resources and the Conservation Authorities for the management of forests and woodlots; and

- vi) considering the use of other incentives for woodlot retention by private landowners.

9.2.14.

AGRICULTURAL LAND CONSENT POLICIES

INTRODUCTION

The severance of land within the Agriculture designation will be controlled in accordance with the objectives of limiting farmland fragmentation, promoting the consolidation of farm holdings and discouraging lot creation for non-farm related uses.

Non-farm residential development is considered to be incompatible with agriculture as it creates the potential for land use conflicts between non-farm uses and agricultural and agricultural-related activities. In recognition of these potential conflicts and resulting constraints on farm operations, Council will prohibit the creation of lots for non-farm residential uses, retirement lots for farmers, lots for full-time hired help and infilling lots between existing farm dwellings or non-farm residential dwellings.

(Amended by OPA 438 Dec. 17/09)

9.2.14.1. General Consent Policies

Within the Agriculture designation a consent to sever shall only be granted if the use of the land is in conformity with all applicable policies of the Plan, and with the provisions of the Zoning By-law; and it is clear that a plan of subdivision is not required for the orderly development of the lands. Where a consent contravenes the Zoning By-law, the granting of a consent would be conditional upon the Zoning By-law having been amended and approved by the authority having jurisdiction.

Applications for consent will be reviewed for conformity to the following criteria:

- i) An uneconomic extension of any major municipal service will not be required.
- ii) That ribbon development of any type along highways or major roads will be discouraged.
- iii) As a condition of a consent being granted, proof must be provided that adequate potable water is available on the site or can be made available.
- iv) As a condition of a consent being granted, soils shall be suitable or made suitable to support an individual on-site wastewater treatment system subject to the approval of the authority having jurisdiction.

- v) All parcels must have access to a public highway.
- vi) The Minimum Distance Separation requirements referred to in policy 9.2.10. are complied with.
- vii) Both the severed and retained parcels created by the consent would conform to the provisions of the Zoning By-law and are appropriate for the use proposed.
- viii) The proposed consent will not detract from or result in the loss of area of any wetland woodlot or other environmental feature shown on Schedule "B".
- ix) Both the severed and retained parcels would conform to the criteria set out in policy 19.7.1 of this Plan, where applicable.

Section 9.2.14.1. renumbered by OPA 438 Dec. 17/09)

**9.2.14.2.
Permitted
Consents to
Sever**

A consent to sever land in the agriculture designation may only be granted under the following circumstances:

- i) consent for farming operations in accordance with 9.2.14.3.;
- ii) consent for mortgage purposes in accordance with 9.2.14.4.;
- iii) lot corrections in accordance with 9.2.14.5;
- iv) surplus farm dwellings in accordance with 9.2.14.6.; and
- v) agriculturally-related commercial and industrial uses in accordance with 9.2.14.7.

(Section 9.2.14.2. renumbered and amended by OPA 438 Dec. 17/09)

**9.2.14.3.
Farm Consent
Parcel Size**

It is the policy of this Plan to discourage the severing of smaller parcels from larger land holdings. In this regard, 40 hectares (100 acres) shall be regarded as the minimum size for a basic farm parcel. Council will discourage the severing of farm parcels which exceed 40 hectares in size; however, an application to sever may be permitted if the land is to be used for agricultural purposes and provided that the following criteria are met:

- i) Both the severed and retained parcels are of sufficient size for the intended agricultural use including consideration of the methods of proper manure storage and disposal if there is a livestock operation existing or proposed for either of the severed or retained parcels.
- ii) Both the severed and retained parcels are of a nature and size, and have soil and drainage characteristics that are suitable to support an efficient farm unit, including full-time farm employment on each parcel.
- iii) The size of both the severed and retained parcels conforms to the provisions of the Zoning By-law. Should the severed or retained

parcel not conform to the minimum lot area requirements of the Zoning By-law, an amendment to the By-law will be required.
(Section 9.2.14.3. renumbered by OPA 438 Dec. 17/09)

**9.2.14.4.
Consents for
Mortgage
Purposes**

A consent shall only be granted for mortgage purposes when the appropriate policies of this Plan and the Zoning By-law can be satisfied with respect to the use to which the lands would be put if the mortgage is foreclosed and a separate lot created.
(Section 9.2.14.4. renumbered by OPA 438 Dec. 17/09)

**9.2.14.5.
Lot Corrections**

The granting of a consent for purposes of minor corrections or adjustments to lot boundaries shall be permitted provided:

- i) The conveyance does not lead to the creation of an undersized or irregularly shaped lot unsuited to the purpose for which it is being used or to be used.
- ii) The lands being conveyed will be registered in the same name and title as the lands to which they are being added and shall be deemed from that date to be one parcel.

(Section 9.2.14.5. renumbered by OPA 438 Dec. 17/09)

**9.2.14.6.
Surplus Farm
Dwellings**

A consent to sever agricultural land to create a lot for an existing dwelling is permitted in accordance with the general consent policies in subsection 9.2.14., where the land being severed from the dwelling lot is to be added to an adjoining parcel, subject to the following:

- i) The land being severed from the dwelling lot parcel must be registered in the same style and manner as the adjoining parcel and shall be deemed from that date to be one parcel.
- ii) The dwelling lot will be kept to a minimum size necessary to comply with the Zoning By-law and to accommodate individual on-site waste water treatment and water supply.
- iii) The dwelling lot cannot be severed if it is part of the farm cluster.

(Section 9.2.14.6. renumbered and amended by OPA 438 Dec. 17/09)

**9.2.14.7.
Agriculturally-re
Commercial and
Industrial Uses**

A consent to sever agricultural land to create a lot for an agriculturally-related commercial or industrial use may be permitted provided the lot is kept to the minimum required to support the use, and to accommodate individual on-site wastewater treatment and water supply.

(Section 9.2 added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

(Section 9.2.14.7. renumbered and amended in the sidebar by OPA 438 Dec. 17/09)

**9.2.15
Waste
Management and
Resource
Recovery Area –
Introduction**

The provisions in this Section apply to a specific defined area where it is appropriate to address development opportunities and constraints through specific policies that provide guidance to other polices contained in the Plan.

The W12A Landfill is a waste management facility owned and operated by the City of London for the purpose of disposing of municipal solid waste. It was opened in 1977 and based on current flow of garbage is

expected to have sufficient capacity to meet the needs of the City to the year 2023.

The City of London initiated the W12A Landfill Area Study to develop a plan for the evolution of this Landfill facility as an integrated waste management and resource recovery centre and address land use impacts resulting from the continued use as a landfill facility and the added uses identified to maintain and expand the facility beyond 2023. The area study resulted in recommendations for inclusion of special policies in the Official Plan and related guidelines to address matters such as, impact mitigation, property acquisition and the introduction of uses related to waste management, resource recovery, by products and processes. The total area within the Waste Management and Resource Recovery policy area consists of approximately 280 hectares of land. The City is the primary landowner within this area.

**9.2.15.1.
Location**

The lands affected by this policy, include the lands identified as Waste Management and Resource Recovery Area in the W12A Landfill Area Plan, and are generally located within the block bounded by Wellington Road South, Manning Drive, White Oak Road and Scotland Drive. Properties known municipally as 3137 and 3405 Scotland Drive and 5529, 5595, 5615, 5751 and 5879 Wellington Road South, which are located within this City block, do not form part of this specific policy area and are excluded. Any future changes to this defined boundary shall require an Official Plan Amendment.

**9.2.15.2
Objectives**

The City of London recognizes the importance of the existing W12A landfill and the suitability of the existing location to minimize environmental and social impact while providing the important economic function of waste management. The adjacent site is also a suitable location for landfill expansion and the development of an integrated Resource Recovery Centre for municipally managed waste reduction, waste disposal, waste diversion and waste processing, using principles of sustainability which are socially, environmentally and fiscally responsible. The use of land within the Waste Management and Resource Recovery Area shall be directed towards the following objectives:

- i To support the environment, public health and safety and the interests of residents by ensuring that all environmental, social and financial impacts of waste management / resource recovery activities are sufficiently controlled or mitigated in a timely manner.
- ii To provide opportunities for future City of London waste management programs by defining and describing the land uses within the Waste Management/Resource Recovery area and securing an operating landfill site well into the future.
- iii To provide continuing public input and consultation.

- iv. To provide flexibility to accommodate future changes in technology and market demand.
- v. To promote a streamlined decision-making process for new waste management / resource recovery activities.
- vi. To identify and promote economic development and public interest opportunities arising from waste management / resource recovery activities.

**9.2.15.3
Uses Permitted
by Site Specific
Zoning**

In addition to the uses permitted in section 9.2.1 and 9.2.2 of the Plan, within lands identified as being located in the Waste Management and Resource Recovery Area, the following waste management / resource recovery uses may be permitted by site specific zoning, subject to the criteria listed in section 9.2.15, 17.4 and 17.5 of the Plan:

- i. Municipal waste disposal facility;
- ii. landfill energy production system from landfill gas;
- iii. a leachate pre-treatment/hailed liquid waste facility;
- iv. public drop-off depot for municipal hazardous or special waste;
- v. community recycling drop-off depot;
- vi. material recovery facility;
- vii. yard waste composting facility;
- viii. source separated organic composting facility;
- ix. transfer stations associated with municipal waste disposal facilities;
- x. thermal, mechanical and biological processing of waste to reduce volumes, stabilize materials, treat residual waste and remove recyclables;
- xi. other similar waste collection, processing and recovery functions; and,
- xii. energy generation facilities, including wind and/or solar energy conversion system

Farm dwellings and secondary farm dwellings shall not be permitted within this area.

Prior to the establishment of waste management activities, agricultural uses may be permitted. Waste management and resource recovery uses should be planned so as to cause the least disruption to existing agricultural uses and facilities.

**9.2.15.4
Municipal Waste
Disposal**

The following policies presume that waste disposal activities will be subject to an approval under the *Environmental Assessment Act*. Should the *Ministry of the Environment* not require an environmental assessment, the City may require studies regarding environmental, economic and social impact.

- i. The landfill site will consist of a fill area and a peripheral area. The fill area is where actual land filling activity is undertaken. The peripheral area will contain setbacks from other land use designations, and will permit uses accessory to a landfill activity such as buildings, equipment and material storage, access roads, stormwater collection ponds, environmental remedial facilities such as leachate collection and treatment, environmental monitoring systems and nuisance control measures.
- ii. Access to a waste disposal area is permitted only from an approved Waste Management Truck Route

**9.2.15.5
Resource
Recovery**

The following policies presume that waste processing activities may be subject to an approval under the *Environmental Assessment Act*. Should the *Ministry of the Environment* not require approval under the *Environmental Assessment Act*, the City may require studies regarding environmental, economic and social impact

- i. It is intended that a wide range of waste processing and accessory uses be permitted and that this policy be used to encourage the utilization of new technologies.
- ii. Access to a waste processing area will be permitted only from an approved Waste Management Truck Route.

**9.2.15.6
Post Closure of a
Landfill Site**

The following policies presume that post closure activities will be subject to a Certificate of Approval, and that the *Ministry of the Environment* will have final approval of any end use on a closed landfill for a period of 25 years in accordance with Section 46 of the *Environmental Protection Act*.

- i. The principal post closure use will be passive open space. However, uses that are compatible, or can be made compatible with neighbouring ongoing waste management activities and adjacent land use designations, such as agricultural uses and active recreational uses, may be permitted.
- ii. Uses accessory to a neighbouring waste management activity may be permitted.
- iii. Access to a closed landfill for uses not associated with a neighbouring waste management activity will only be permitted from Manning Drive

**9.2.15.7
Implementation
of the Waste
Management and
Resource
Recovery Area**

The process included below will be followed for all applications to add or expand an existing waste management and resource recovery use:

- i. Lands within the Waste Management and Resource Recovery Area will be zoned to reflect existing and approved

Policy

uses. Residential uses, permanent or seasonal, will not be permitted. Existing residential uses will be made nonconforming, and subject to the Non-Conforming Uses policies found elsewhere in this Plan.

- ii. Expansion of an existing waste management use or establishment of a new use must comply with the City's Zoning By-law.
- iii. Once the application has been accepted, Municipal Council will consult with the *Ministry of the Environment* to ascertain which provincial approvals process will be followed and integrate the technical reviews and public consultation accordingly. Impact Assessments relating to air-quality, noise and dust may be required.
- iv. The Waste Management and Resource Recovery Area will be subject to the site plan control provisions of the *Planning Act*. The City, through the development of this area, shall incorporate landscape design measures to reduce the visual impact of the Waste Management and Resource Recovery Area site. Consideration will be given to establishing a landscape buffer along the west edge of the Policy Area and around the perimeter of Manning Drive, White Oak Road and Scotland Drive.
- v. The City shall establish a natural heritage strategy with respect to the protection of the Shore drain and any required enhancement of the potential fish habitat.

9.2.15.8 Waste Management and Resource Recovery Area Truck Route

It is the intention of Municipal Council that all traffic destined for the Waste Management / Resource Recovery Area use the route so designated in the W12A Landfill Area Study, unless noted otherwise in other policies.

Appropriate signage for all truck route roads shall be provided.

Municipal Council will ensure that Waste Management and Resource Recovery Area traffic is monitored regularly and will take the appropriate action necessary to mitigate any negative impacts. Municipal Council will further ensure that those roads on the designated route will be upgraded and maintained to the standard necessary for the type and volume of traffic generated by the Waste Management and Resource Recovery Area.

9.2.15.9 Lot Creation

Further lot creation, either by consent or by plan of subdivision within the area identified as Waste Management and Resource Recovery Area, will not be permitted unless required to support approved landfill activities.

**9.2.15.10
Surrounding
Lands**

The following policies will apply to lands located within a 1,500 metres radius around the boundary of the Waste Management and Resource Recovery Policy Area.

- i. The City shall continue to work with landowners within a 1,500 metres radius of the Waste Management and Resource Recovery Policy Area to mitigate impacts related to odour, dust, litter and traffic.
- ii. Within the Agricultural designation, the City shall discourage new Official Plan and/or Zoning By-law Amendments to allow the development of new residential uses or other sensitive land uses within a 1,500 metres radius of the Waste Management and Resource Recovery Policy Area to provide appropriate separation distance to mitigate impacts.
- iii. The City shall confine all municipal waste management and resource recovery uses and accessory uses to the Waste Management and Resource Recovery Policy Area
- iv. The principal use permitted will be agriculture and the agricultural policies found elsewhere in this Plan apply.(OPA #462)

9.3.

RURAL SETTLEMENT

(Section 9.3 added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

**9.3.1.
Primary
Permitted Uses**

Within areas designated Rural Settlement on Schedule "A" the primary use of land shall be single detached dwellings on lots suitably sized to allow for the proper siting and functioning of individual on-site water supply and wastewater treatment systems. Secondary residential units may be permitted subject to the ability of existing services to accommodate the proposed use.

**9.3.2.
Secondary Uses**

In addition to the primary residential use, small-scale institutional uses such as parks, community centres, day care centres, group homes, schools and churches will be permitted in areas designated as "Rural Settlement" on Schedule "A". Small-scale commercial and industrial uses may also be permitted subject to policy 9.3.3.

**9.3.3.
Commercial and
Industrial Uses**

The establishment of new small-scale commercial or industrial uses or the conversion of an existing building to a small-scale commercial or industrial use may be permitted through a site-specific amendment to the Zoning By-law subject to compliance with the following criteria:

- i) the use does not require municipal water or sewer and any industrial operation shall be of a "dry" nature in that the use will not involve a significant number of employees, use significant amounts of water in its operations, or produce significant amounts of effluent;

- ii) the facility has direct access to a provincial highway or municipal road;
- iii) the adequacy and potability of water supply and the method of sewage disposal are satisfactory to the authority having approval jurisdiction;
- iv) adequate buffering in the form of screening, landscaping, setbacks, outdoor storage restrictions and similar measures to mitigate the potential adverse impacts of the proposed use on nearby residences can be provided;
- v) adequate off-street parking is provided;
- vi) adequate storm water retention and drainage is available; and
- vii) the policies of Chapter 17.

**9.3.4.
Residential Infill**

Residential infill within Rural Settlement areas will be permitted subject to the following criteria:

- i) Consents should be granted only in areas where there would be no undue extension of, or requirement for, any major service.
- ii) The adequacy and potability of the water supply and method of sewage disposal are satisfactory to the authority having approval jurisdiction.
- iii) The site of the infill development is located within the limits of the Rural Settlement designation and does not represent an extension of the existing strip or node of non-farm development into the agricultural area.
- iv) The policies of Chapter 17 are met.

**9.3.5.
Home
Occupations**

Home occupations which are secondary to a residential use may be permitted provided they are operated only by those residing on the property on which the home occupation is located and provided they are conducted entirely within the dwelling. The types of home occupation permitted and the standards applying to these uses shall be set out in the Zoning By-law.

**9.3.6.
Minimum
Distance
Separation
Requirements**

Any proposed rezoning or consent within a Rural Settlement designation that would reduce the distance between the built-up area and an existing livestock operation will be reviewed for its effects on the livestock operation in accordance with the Minimum Distance Separation (MDS) requirements. If the proposed rezoning or consent will result in a development that imposes operating constraints on the livestock operation, the rezoning or consent shall not be permitted.

9.3.7. Rural Settlement Areas Development or redevelopment may be permitted within areas designated Rural Settlement in accordance with the policies of 9.3.; however, the expansion of Rural Settlement areas will not be permitted.
(Section 9.3 added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.4. URBAN RESERVE
(Section 9.4 renumbered by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.4.1. Areas Identified as Urban Reserve Areas designated Urban Reserve - Community Growth and Urban Reserve - Industrial Growth are shown on Schedule "A" - the Land Use Map. Council may designate new Urban Reserve areas, or redesignate Urban Reserve areas to alternative land use designations, by amendment to this Plan.
(Section 9.4.1 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.4.2. Permitted Uses Because of concerns regarding premature development, Urban Reserve areas will be zoned to allow a limited range of uses based on the nature of their existing use.

9.4.3. Proposals for a Change in Designation The "Urban Reserve - Community Growth" and "Urban Reserve - Industrial Growth" designations are intended to provide a general indication of the mix of urban land uses proposed for the area. "Community Growth" areas will be composed of predominantly residential uses but will include commercial, institutional, and open space uses that are supportive of the community as well as provide employment opportunities in a community setting. "Industrial Growth" areas will be composed generally of uses that are permitted in the "Light Industrial", "General Industrial" and "Office Business Park" designations in Chapter 7 of this Plan.

Notwithstanding this general intent, lands within the Urban Reserve designations may be redesignated by Council for any use through the community planning process and resulting amendment to this Plan.
(Section 9.4.3 deleted and replaced by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.4.4. Site Specific Amendments The preferred approach to planning areas designated "Urban Reserve" is through the Secondary Plan process as described in Section 19.2. Council may, however, review and adopt site specific Official Plan Amendments for lands designated "Urban Reserve" provided it does not negatively affect the community planning process on surrounding lands.
(Section 9.4.4 added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.4.5. Consent Policies The severance of land within the Urban Reserve designation will be subject to the Agricultural Land Consent policies in policy 9.2.14. of this Plan.
(Section 9.4.5 added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

9.4.6. Specific Policies The following specific policies serve as a guideline to the future development of Urban Reserve areas:
(Section 9.4.6 renumbered by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

Jackson District North i) Within the undeveloped Urban Reserve area bounded by the Thames River/Meadowlily Woods on the north, Commissioners

Road on the south, Jackson Road on the east and Highbury Avenue on the west, it is anticipated that there will be proposals to provide higher density housing forms and some commercial services for the future residents of the area. Consideration will be given to redesignating the lands to permit an appropriate mix of residential development and some commercial development.

(Clause i) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

Byron Gravel Pits ii) Within the Urban Reserve area east of North Street, south of Base Line and Commissioners Road, known as the Byron Gravel Pits, it is anticipated that the long-term land use of this area will be a mix of medium and high density housing types and recreational uses. Redevelopment of this area will be based on a comprehensive rehabilitation and development plan. Expansion of the existing licensed aggregate area and the realignment of North Street may be considered if it can be demonstrated that this will assist in the rehabilitation of the existing gravel pits and that compatibility with surrounding land uses can be achieved.

Kilally Road /
Highbury Avenue iii) Within the Urban Reserve area bounded by the Thames River on the north, Fanshawe Conservation Area on the east and the former City boundary on the south, it is anticipated that the long-term land use for the area will be a mix of residential, commercial and open space. Future consideration will be given to amending the land use designations of this area to allow an appropriate mix of these uses.

(Clause iii) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
(deleted Section 9.4.6 (iv) by OPA No. 290 - (03/08/10))