



9.0 IMPLEMENTATION & PLANNING ADMINISTRATION

9.1 INTRODUCTION

This Official Plan shall be implemented by means of the powers conferred upon the Municipality by the *Planning Act*, the *Municipal Act* and other statutes as may be applicable. In particular, the Official Plan shall be implemented by the enactment of zoning by-laws, property standards and occupancy by-laws and the undertaking of public works.

9.2 OFFICIAL PLAN MONITORING & REVIEW

Changing conditions may necessitate the need for amendment to this Plan. In accordance with the provisions of the *Planning Act*, Council shall monitor and review this Plan every five years to ensure that the policies within it are appropriate. Where judicial or quasi-judicial decisions, including those of the Ontario Municipal Board, materially impact the interpretation or intent of the policies of this Plan, Council may choose to review said policies at any time.

9.3 ZONING BY-LAW & OTHER BY-LAWS

The Municipality shall prepare and Council shall adopt a Comprehensive Zoning By-law that will be in conformity with the principles, policies and land use designations contained in this Plan. The By-law shall make provisions for adequate development standards. The By-law shall establish specific zones and permitted uses that reflect the policies and land use designations of this Plan. Within each land use designation, more than one zone may be established to ensure that the policies of this Plan are properly implemented.

9.3.1 Holding Provisions

It is not intended to zone all lands for the uses designated in this Plan. Holding zones may be established in order to achieve orderly development and ensure that policies established in this Plan have been met. Council may place a holding symbol on the zone that prevents development from occurring until the Municipality is satisfied that certain conditions have been met, allowing the Municipality to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding. Specific actions or requirements for the lifting of the holding provision shall be set out in the by-law amending the Municipality's Zoning By-law. These actions or requirements include, but are not necessarily limited to, the following:



- a) The provision of adequate services or road works;
- b) The completion of environmental contamination remediation;
- c) The completion of an appropriate EIS;
- d) The completion of a development or the subdivision of land, including the negotiation of a subdivision or development agreement; and
- e) That site plan approval has been granted by the Municipality, and a site plan agreement has been entered into, pursuant to the provisions of the *Planning Act*.

9.3.2 Interim Control By-laws

The Municipality may establish interim control by-laws in accordance with the relevant sections of the *Planning Act*, in order to control the use of land, buildings or structures within specifically identified areas for a specified period of time not exceeding two years in length.

9.3.3 Temporary Use By-laws

The Municipality may pass a temporary use by-law to allow a use otherwise prohibited by the Zoning By-law. A temporary use by-law will define the land or lands to which it applies, and shall prescribe the period of time during which it is effect, which shall not exceed three years from the day of the passing of the by-law. Council may extend this period by passing further by-laws. Temporary use by-laws shall not be passed for the purpose of permitting uses that are not in conformity with this Plan.

In enacting a temporary use by-law, Council shall consider the following:

- a) The compatibility of the proposed use with the surrounding land uses;
- b) The adequacy of any services that may be required for the proposed use;
- c) Access and parking requirements;
- d) Traffic impacts; and
- e) The conformity of the proposed use with the policies of this Plan.

9.4 COMMUNITY IMPROVEMENT PLANS

A specific area within the Municipality may be declared a Community Improvement Project Area under the *Planning Act* in order to carry out the



maintenance, rehabilitation, redevelopment or improvement of infrastructure, services, buildings or facilities. The following policies shall apply with respect to Community Improvement Project Areas:

- a) Throughout the development of a Community Improvement Plan, the Municipality shall involve the residents of the affected areas in the identification of service level deficiencies and priorities.
- b) Council may designate part of the Municipality as a Community Improvement Area in compliance with the provisions of the *Planning Act*. Council may designate a Community Improvement Project Area based on the following applicable criteria:
 - i) Municipal services such as sidewalks, curbs, gutters, sewers, water, roads, street lighting are deficient, or have deteriorated and are below the municipal standard;
 - ii) Community and recreational facilities such as parks, community centres, libraries, arenas, gymnasiums, ball diamonds and similar type facilities are deficient or have deteriorated;
 - iii) Incompatible land uses that result in conflicts (such as noise or traffic from industrial uses in residential areas);
 - iv) The buildings and structures are in need of rehabilitation;
 - v) Heritage resources need to be preserved, rehabilitated or renewed;
 - vi) Commercial or industrial buildings have a high vacancy rate;
 - vii) There is a parking or loading space deficiency;
 - viii) There is inadequate storage facilities;
 - ix) There is evidence of contamination from a previous use, which has rendered lands undevelopable until remedial action is taken;
 - x) There is a demonstrated need to improve the streetscape and/or physical amenities of an area; and/or
 - xi) There is the potential for, or existence of, a Business Improvement Area.



- c) Council may implement the Community Improvement Plan policies by the following means:
- i) Participation in senior government programs that provide financial assistance for community improvement;
 - ii) Encouragement of the continuation and enlargement of the Business Improvement Area to enhance and maintain the viability of the commercial area;
 - iii) Use of municipal authority granted under the provisions of the *Planning Act* to designate Community Improvement Project Areas, adopt Community Improvement Plans and acquire and develop land;
 - iv) Encouragement of infill development in appropriate areas;
 - v) Enforcement of the Property Standards By-law;
 - vi) Co-operation with school boards, local municipal boards, service clubs, business organizations, educational institutions and other organizations to promote and facilitate the utilization of existing facilities and, where feasible, to rehabilitate these facilities to offer new and/or better services to the community;
 - vii) Encourage the rehabilitation of private buildings by advising property owners of government subsidies and programs, and assisting where possible, the property owners in obtaining grants;
 - viii) Where conflicting land uses occur in Community Improvement Areas, endeavouring to limit the expansion of these uses and encouraging and/or assisting in the relocation of the offensive use;
 - ix) Where contamination exists, offer tax equivalent grants or loans to facilitate site remediation; and/or
 - x) Support the historic preservation of significant buildings and sites through application of the *Ontario Heritage Act*.

9.5 SECONDARY PLANS

Secondary plans shall be prepared to plan for large tracts of land for growth and new development within Settlement Areas. As this Plan accommodates anticipated future growth and development for the 20-year planning horizon, the need for secondary plans is not anticipated. Should



tracks of land for growth and development be identified as a result of subsequent reviews of this Plan, a secondary plan shall be required prior to development. The following policies shall apply to the preparation of secondary plans:

- a) The establishment of a secondary plan area shall account for any existing urban uses within the area.
- b) Secondary plans may be used to establish unique or more detailed land use policies or land use distributions than that of this Plan.
- c) Secondary plans shall establish the location of key community services and amenities including schools, parks and related uses.
- d) Secondary plans shall be adopted as amendments to this Plan and therefore shall be treated as an amendment to the Official Plan.
- e) The preparation of a secondary plan and establishment of a secondary plan area must be approved by resolution of Council.
- f) The costs of preparing a secondary plan shall be borne by the proponent, and not the Municipality.
- g) The goals, objectives and policies of this Plan shall be maintained in any secondary plans.

9.5.1 Supporting Requirements for Secondary Plans

The Municipality, in order to provide the appropriate background information for the any secondary plan, may require the undertaking of a number of background reports. These may include, but shall not be limited to:

- a) A determination of environmental protection areas.
- b) A master servicing plan.
- c) A stormwater management study.
- d) A comprehensive traffic impact analysis that will assess long-term traffic implications of the area on the County road system and provincial highway system, where applicable. The traffic impact analysis report shall be reviewed and approved by Middlesex County and the Ministry of Transportation, where applicable.
- e) A planning justification to address:
 - i) The integration of proposed new development with the existing development;



- ii) The distribution of proposed land uses;
- v) The range of housing styles and densities;
- vi) Neighbourhood commercial uses to service the residential areas;
- vii) Linkages between the residential areas, parks, schools, recreational areas and institutional facilities; and
- viii) The impact on adjacent agricultural operations, including consideration of Minimum Distance Separation Formulae.

9.5.2 Contents of Secondary Plans

Secondary Plans shall generally include the following:

- a) A statement of the basis or rationale for the preparation of the Secondary Plan;
- b) A description of the area under study, including a reference map, and the role and relationship of the area to the Municipality as a whole;
- c) A description of the current land use, ownership, built and natural environment, and infrastructure in the area;
- d) A statement of the desired land use arrangement for the area;
- e) Goals and objectives appropriate for the area including a statement of how they are in keeping with the Goals and Objectives of this Plan;
- f) Concept plan(s) showing, where appropriate, the following:
 - i) Land use designations of the desired type and pattern of development with due consideration to the community design policies of this Plan;
 - ii) The nature and location of public facilities;
 - iii) The desired transportation network for the area and its links to the existing transportation network of the Municipality;
 - iv) The nature and location of municipal services;
 - v) The identification, protection and integration of significant cultural, built and natural heritage features; and
 - vi) The phasing of development and infrastructure.



- g) Specific policies and strategies for achieving the goals and objectives established for the area that complement the policies of this Plan.

9.6 PLANNING TOOLS & DEVELOPMENT CONTROL

9.6.1 Official Plan Amendments

The Municipality shall consider all applications to amend this Official Plan, and shall notify the public, Middlesex County and various Provincial Ministries and other agencies in accordance with the requirements of the *Planning Act*. The following policies shall apply to the consideration of applications to amend this Plan:

- a) Applications to amend this Plan shall include a justification report for the proposed change, prepared by the applicant. This shall include, but not be limited to, information regarding the proposed use, servicing, density if applicable, floor area if applicable, lot layout and site plans as appropriate and applicable.
- b) Official Plan Amendment procedures outlined in the Land Use Policies of this Plan shall apply to the consideration of the application.
- c) Council shall consider the following criteria where reviewing applications to amend this Plan:
 - i) The manner in which the proposed amendment conforms to prevailing Provincial policy and regulations;
 - ii) The manner in which the proposed amendment conforms to the Middlesex County Official Plan;
 - iii) The manner in which the proposed amendment conforms to the goals, objectives and policies of this Plan;
 - iv) The manner in which the proposed amendment conforms to the Municipal Strategic Plan;
 - v) The impacts of the proposed amendment on the provision of and demand for municipal services, infrastructure and facilities;
 - vi) The adequacy of the proposed servicing solution with respect to the servicing policies of this Plan;
 - vii) The impact of the proposed amendment on surrounding lands uses, the transportation system, municipal services and community amenities and services;



- viii) The impact of the proposed amendment on the hierarchy of Settlement Areas and the structure and nature of the Urban, Community and/or Hamlet Settlement Areas;
- ix) The impact of the proposed amendment on cultural and/or natural heritage features;
- x) The impact of the proposed amendment on the finances of the Municipality; and
- xi) Any other information determined to be appropriate and applicable.

9.6.2 Zoning By-law Amendments

Pursuant to Section 9.2 of this Plan, the Municipality shall prepare a Comprehensive Zoning By-law. The Zoning By-law shall be maintained and administered by the Municipality, and may be amended at Council's discretion. The Municipality shall consider all applications to amend the Zoning By-law and shall provide notice of such application in accordance with the provisions of the *Planning Act*. The Municipality shall refuse all applications to amend the Zoning By-law that do not conform with this Plan and the amendments hereto.

9.6.3 Minor Variances

The Committee of Adjustment shall deal with all applications for minor variances to the provisions of the Zoning By-law. The Committee of Adjustment shall deal with such applications in accordance with the relevant provisions of the *Planning Act*. The decisions of the Committee of Adjustment shall also comply with the provisions of this Plan and the Zoning By-law, as well as the Middlesex County Official Plan.

9.6.4 General Consent Policies

Applications for consent shall be considered on the basis of the underlying land use designation and the associated consent policies of this Plan. While the Committee of Adjustment shall deal with all applications for consent in accordance with the relevant provisions of the *Planning Act*, applications that do not conform to the policies of this Plan shall not be approved. The decisions of the Committee of Adjustment shall also have regard for the Provincial Policy Statement and conform to the Middlesex County Official Plan.

In addition to the specific land division and consent policies associated with each land use designation, the following policies shall apply to applications for consent:



- a) Consents should only be granted when it is clearly not necessary or in the public interest that the land be developed by plan of subdivision. Plans of subdivision shall be the preferred method of land division. Plans of subdivision will be required and applications for consent will not be approved under the following circumstances:
 - i) More than three (3) lots (two severed and one retained) from a land holding are being created;
 - ii) Lots created require a new road for the provision of access;
 - iii) The provision or extension of municipal services (water and/or sewer, as appropriate) is required; or
 - iv) Other matters that may arise during the review of the proposed development.
- b) Notwithstanding Section 9.6.4.a.i, the requirement for a plan of subdivision may be waived for infilling of up to four (4) lots having frontage on a public road that is maintained on a year-round basis in an area serviced by municipal water and sanitary sewers.
- c) If a plan of subdivision is not deemed necessary, regard shall be had to the other policies within this Plan and to the following criteria when considering an application for consent:
 - i) Consents shall only be granted when the land fronts onto an existing and assumed public road that is maintained on a year-round basis;
 - ii) Consents should have the effect of infilling in existing areas and not extending existing development;
 - iii) Creation of the lot does not compromise the long-term use of the remaining land or retained parcel; and
 - iv) Consents may be considered for large parcels, where future development of the large parcels is to proceed by plan of subdivision.
- d) The size of any parcel of land created by consent should be appropriate for the use proposed, considering the level of services available and the soil conditions. No parcel shall be created which does not conform to the provisions of the Zoning By-law, except where a minor variance has been secured, in accordance with Section 9.6.3 of this Plan.



- e) Consents for building purposes shall not be permitted under the following circumstances:
 - i) The division of land is located within any Natural Heritage Features, as defined by this Plan, and a suitable building site cannot be found through the preparation of an Environment Impact Assessment;
 - ii) The division of land is located in a floodplain;
 - iii) The division of land is located on or within 75 metres of a significant aggregate, mineral or petroleum resource deposits, as identified by the Province;
 - iv) Provincial or County transportation objectives, standards or policies cannot be maintained; or
 - v) The created and retained parcels cannot be provided with an adequate level of service.
- f) On the granting of an application for consent, conditions may be imposed on the severed and retained parcels.
- g) Compliance with the Minimum Distance Separation Formulae shall be required.
- h) Subject to the specific Land Use Policies of this Plan, consents may be permitted for the purposes of making lot boundary corrections, for the purposes of granting easements, for conveyances and consolidations, provided that such matters are either administrative or minor in nature.

9.6.5 Subdivision Control

All lands within the Municipality shall be subject to subdivision control pursuant to the *Planning Act*. Applications for subdivision approval shall be considered on the basis of the underlying land use designation and the associated subdivision policies of this Plan. While the Municipality shall deal with all applications for subdivision approval in accordance with the relevant provisions of the *Planning Act*, applications that do not conform to the policies of this Plan shall not be approved.

The following policies shall apply to plans of subdivision:

- a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are



complied with, and that a high standard of design is maintained in all development.

- b) Prior to approval of an application for plan of subdivision approval, the Municipality will confirm the availability of adequate servicing infrastructure and allocation in accordance with Section 8.3, waste collection and disposal services, and roads.
- c) Applications for plan of subdivision approval shall be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision approval to be premature.
- d) The review of plans of subdivision will be based in part on the consideration of the general community design policies included in Section 4.2 of this Plan.
- e) All lots within a plan of subdivision shall have frontage on a public road maintained on a year round basis, and constructed to an acceptable Municipal standard.
- f) Natural heritage features and areas shall be protected and preserved in the design of any plan of subdivision.
- g) Plans of subdivision shall be appropriately phased to ensure orderly and staged development.
- h) All plans of subdivision shall be subject to a subdivision agreement between the Municipality and the development proponent.
- i) Parkland dedication shall be provided pursuant to Section 9.10 of this Plan. Land to be dedicated for park purposes must be acceptable to the Municipality. Under no circumstances shall the Municipality be obligated to accept parkland being offered in a proposed plan of subdivision.
- j) The Municipality will consult with the County, Conservation Authority and relevant Provincial ministries in considering an application for approval of a plan of subdivision.

9.6.6 Site Plan Control

The Municipality of North Middlesex will utilize site plan control as provided for in the *Planning Act*. The following policies shall apply to site plan control:



- a) Subject to the detailed Land Use Policies of this Plan, the site plan control area shall apply to the entire Municipality.
- b) Where development consists of single detached, duplexes or semi-detached dwellings, site plan control shall not apply, except in cases where specifically required by this Plan, such as in cases where development is proposed on identified Hazard Lands.
- c) Where development consists of farm operations, farm buildings and the residence of the farm operator, site plan control shall not apply, except in cases where specifically required by this Plan, such as where a home occupation or on-farm secondary business is proposed, or in cases where an intensive livestock operation is proposed.
- d) The Municipality will require proponents to execute a site plan agreement under circumstances where there is construction of more than one (1) building or structure, where the size of a building is to be substantially increased, where there is the development of a parking lot, and/or in other circumstances deemed appropriate by Council.
- e) The Municipality shall consult the County, the Conservation Authority and any other agencies when considering applications for site plan approval, where applicable.
- f) The Municipality may apply certain conditions to site plan approval, and may require that a certain standard of design be applied.
- g) The Municipality will require financial security through bonding or other financial arrangement prior to development.
- h) Where land is designated as a site plan control area and it abuts a road under the jurisdiction of the County, prior to development, the County shall require in those circumstances where the right-of-way is less than 36 metres (118 feet) that land be dedicated to the County, at no expense to the County, for the widening of the road so as to establish a right-of-way 18 metres (59 feet) on each side of the centreline of the existing pavement. Within a Settlement Area, where the road has been constructed, the road dedication may not be required.

9.6.7 Development Permit System

Council may, at an appropriate time, choose to enact a By-law to implement the Provincial Development Permit System, relating to the streamlining of zoning by-law amendments, minor variances and site plan control.



9.6.8 Maintenance & Occupancy By-law

Council may enact by-laws pursuant to the *Ontario Building Code Act*, setting forth minimum standards for the maintenance and occupancy of all buildings and properties. Any such by-law shall apply throughout the Municipality. These by-laws should have regard for any or all of the following matters or related items and set appropriate standards or conditions for:

- a) The physical conditions of vacant land, yards and passageways including the accumulation of debris and rubbish;
- b) The adequacy of sanitation including drainage, waste disposal, garbage and pest control;
- c) The physical condition of accessory buildings; and,
- d) The physical conditions of dwellings or dwelling units, institutional, commercial and/or industrial buildings, structures and properties.

Any such by-law may require that substandard properties be repaired and maintained to comply with the standards, prohibit the use of a substandard property and require the demolition and clearing of such property which the owner does not intend to repair and maintain.

Upon passing a Maintenance and Occupancy By-law, Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law. Council shall also appoint a Property Standards Committee for the purpose of hearing appeals against any order issued by the Property Standards Officer.

9.7 SUPPORTING STUDY REQUIREMENTS

Under certain circumstances outlined in this Plan, the preparation of a supporting study may be required. The following policies relate to the requirements for the supporting studies required by this Plan.

9.7.1 Environmental Impact Studies

An Environmental Impact Study (EIS) is required for all development proposals within or abutting those lands identified in the policies of Section 7.3. The EIS or scoped EIS shall also delineate all areas where development, re-development and site alteration shall not occur.

9.7.1.1 Scoped Environmental Impact Studies

The EIS required in this Section shall be prepared to the satisfaction of the Municipality and Ausable Bayfield Conservation Authority. A scoped EIS



may be required for consent or minor variance applications or prior to issuance of a building permit in circumstances where no other development application approvals are required. The nature and scope of a particular development proposal will serve to define the type of EIS and review criteria to be addressed

Scoped Environmental Impact Studies required for developments proposed on or adjacent to Natural Heritage features indicated on Schedule "C", shall address the following:

- a) A description of the proposed use;
- b) A description of the sensitive features that will be affected or that might reasonably be expected to be affected, directly or indirectly;
- c) A description of the effects that will be caused or that might reasonably be expected to be caused to the sensitive features by the proposed use; and
- d) A description of the actions necessary to prevent, change, mitigate or remedy the effects upon or might reasonably be expected upon the sensitive features.

9.7.1.2 Full Environmental Impact Studies

The EIS required in this Section shall be prepared to the satisfaction of the Municipality, in consultation with the Ausable Bayfield Conservation Authority and the Ministry of Natural Resources. The Ministry of Natural Resources and Ausable Bayfield Conservation Authority shall be consulted as to the nature and extent of the physical hazard and/or sensitive features. The Ministry of the Environment, County of Middlesex, or other appropriate agencies may also be consulted. The EIS shall be completed prior to: the subject land being rezoned, unless part of an approved draft plan of subdivision for which an EIS has already been completed; approval of a site plan; or approval of a draft plan of subdivision or condominium. If a development requires an amendment to this Plan, the EIS shall be completed prior to the adoption of the amendment. Only one EIS will be required per development proposal, irrespective of the number of development application approvals required. To assist the Municipality in determining the adequacy of the EIS, Council may require a peer review, paid for by the proponent, in addition to the review of the Conservation Authority and the Ministry of Natural Resources.

The EIS shall include:

- a) A description of the proposed use;



- b) A description of the sensitive features that will be affected or that might reasonably be expected to be affected, directly or indirectly;
- c) A description of the effects that will be caused or that might reasonably be expected to be caused to the sensitive features;
- d) A description of alternative forms that the proposed use could take and an evaluation showing the advantages and disadvantages of each alternative with respect to the sensitive features;
- e) A description of the actions necessary to prevent, change, mitigate or remedy the effects upon or might reasonably be expected upon the sensitive features;
- f) The requirements of the County of Middlesex Development Assessment Report Terms of Reference; and
- g) Any site-specific requirements deemed to be appropriate and necessary by the Municipality in consultation with the County and Conservation Authority.

9.7.1.3 Policies

The following policies shall apply to the preparation of Environmental Impact Studies:

- a) In the preparation and review of an EIS, the Ministry of Natural Resources, County of Middlesex and the Ausable Bayfield Conservation Authority shall be consulted as to the nature and extent of the physical hazard and/or sensitive features. The Ministry of the Environment shall be consulted on an as-needed basis. The EIS shall be prepared to the satisfaction of the aforementioned agencies.
- b) If the Municipality, upon reviewing the EIS, is satisfied that the proposed use will not have a detrimental impact on the natural environment or natural heritage feature and/or that physical hazards do not exist, then the Municipality may rezone the land, adopt the Official Plan Amendment, execute the site plan agreement or grant draft approval to the plan of subdivision or condominium, whatever the case may be.
- c) If the Municipality is of the opinion, upon reviewing the EIS, that the proposed use will have a detrimental impact on the natural heritage feature and/or physical hazard, and mitigative techniques are required, the Municipality may permit the proposed use subject to such terms and conditions that the Municipality deems appropriate. If the detrimental impact of the proposed use on the natural heritage



feature and/or the physical hazard cannot be adequately mitigated, then the development shall not be permitted.

9.7.2 Environmental Site Assessments for Potentially Contaminated & Brownfields Sites

The development or re-development of potentially contaminated and waste disposal sites, shall be assessed and remediated in a manner consistent with the relevant Ministry of the Environment guidelines and procedures. Proponents of application(s) for Official Plan Amendment, Zoning By-law Amendment, plan of subdivision and/or condominium or site plan approval shall be required to submit a Phase I Environmental Site Assessment (ESA) for the lands subject to the application(s). If, in the Municipality's opinion, the ESA is not necessary due to the previous uses on the land or that the proposed use will not result in adverse effects, this requirement may be waived.

Proponents shall submit all information related to the Environmental Site Assessment to the Municipality for a peer review prior to the scheduling of a public meeting under the *Planning Act*. In the case of an application for site plan approval, the ESA shall be submitted with the application. The development proponent shall pay for the cost of the peer review. The following process shall be followed:

- a) If the site has not yet been remediated for the proposed development, the proponent shall submit a Phase I ESA report to the Municipality for review and concurrence by a peer reviewer prior to the scheduling of a Public Meeting under the *Planning Act*;
- b) If the Phase I ESA report identifies actual or potential contamination, the proponent shall submit a Phase II ESA report to the Municipality for review and concurrence by a peer reviewer prior to the scheduling of a Public Meeting under the *Planning Act*; and
- c) If the Phase II ESA confirms the presence of contamination, the proponent shall submit a Remedial Action Plan (Stage 1 of Phase III ESA) to the Municipality for review and concurrence by a peer reviewer prior to adoption by Council of the development proposal. The proponent shall submit documentation covering the implementation of the Remedial Action Plan (Stage 2 of the Phase III ESA) and the Phase IV ESA to the Municipality for review and concurrence by a peer reviewer prior to issuance of a building permit.



9.7.3 Stormwater Management Studies

The Municipality may require a development proponent to submit studies of stormwater runoff and its impact on the water quality and quantity of receiving watercourses, and upstream and downstream properties. The Municipality, Conservation Authority and the Ministry of the Environment shall approve Stormwater Management studies. Proposals of development shall be required to:

- a) Use stormwater management measures to manage the storage and controlled flow of water to receiving watercourses;
- b) Use stormwater management measures that prevent siltation and erosion, and do not negatively impact the water quality of receiving watercourses;
- c) Consider, where appropriate, enhancing the vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourses;
- d) Consider, where appropriate, providing public access to and along the stormwater management system and the receiving watercourse;
- d) Employ the best available methods in the planning, construction and eventual use of the stormwater management systems; and
- e) Consider long-term maintenance and safety requirements in the design of the stormwater management facility(ies).

9.8 PUBLIC CONSULTATION & PARTICIPATION

The Municipality shall provide the opportunity for residents to become involved and participate in the planning process in accordance with the policies of this Plan and the requirements of the *Planning Act*. The following policies shall apply to public consultation and participation:

- a) The Municipality will use a variety of techniques to encourage the participation of the public when Council is considering changes to this Plan. Subject to the requirements of the *Planning Act*, Council may establish the public consultation program it feels will best deal with the matters before it.
- b) The Municipality shall provide notification of any amendment to this Plan in accordance with the requirements of the *Planning Act*, and may consider additional notice to ensure that all residents in the Municipality are aware of the amendment.



- c) The Municipality shall encourage a pre-submission consultation on privately-initiated applications processed under the *Planning Act*.
- d) Council recognizes that the provisions of the *Planning Act* require it to take action on a development application within a prescribed period of time, subject to the application being complete and the provision of adequate information about the proposal to the public and Council so that informed decisions can be made.

9.8.1 Notice Procedures

The following policies shall apply for public notice procedures:

- a) Notice for an Official Plan Amendment, a Community Improvement Plan or a Secondary Plan, shall be in the form prescribed by the *Planning Act*.
- b) Notice for a Zoning By-law Amendment shall be given in the form prescribed by the *Planning Act*. A Zoning By-law Amendment which, in the opinion of Council, does not change the intent of the By-law such as correcting clerical, typographical or grammatical errors, or renumbering of provisions shall not require a public meeting or public notice prior to Council passing the By-law.
- c) Notice for a public meeting for a Plan of Subdivision shall be given in the form prescribed by the *Planning Act*.
- d) Council may, at any time, adjourn a public meeting to be continued at a later time, if a time and place for reconvening is announced to the public at the meeting.
- e) Where notice is provided as required herein or as prescribed in the *Planning Act*, Council may provide additional notice between the required minimum notice being given and the date of the public meeting.
- f) Where the notice of the passing of a By-law is sent out, the Municipality may attach a copy of the By-law and schedule, if there is one. If it is deemed more appropriate by Council, a detailed explanation of the By-law may be used to inform the public.
- g) For the purposes of this Section, Council shall mean either the Council or any committee established or individual appointed thereunder to conduct the public meeting.



9.9 FINANCIAL MANAGEMENT

The implementation of this Plan must be financially viable. This Plan shall be managed to ensure that the required capital expenditure to provide the services for development and improvement are paid in an equitable and appropriate manner. The Municipality plays a role in ensuring optimal service delivery and in implementing the Plan. The following policies shall apply to financial management and implementation of this Plan:

- a) The Municipality shall recover all growth-related capital costs through development charges, in accordance with Provincial legislation.
- b) The Municipality may pass development charges by-laws that apply to the Municipality, as a whole and/or that apply to specific geographic areas within the Municipality.
- c) The Municipality reserves the right to request a Municipal Financial Impact Assessment for any development application. Development applications or proposals that otherwise comply with the relevant policies of this Plan may be refused on the basis of financial impact and burden on the Municipality, if suitable mitigation measures are not available.

9.10 PLAN ADMINISTRATION

9.10.1 Existing Uses

The following policies shall apply to existing uses in the Municipality:

- a) Nothing in this Plan shall affect the continuance of uses legally existing on the date this Plan was adopted by Council.
- b) Council may recognize the existing use of land in the implementing Zoning By-law. However, Council in co-operation with residents will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of this Plan.
- c) Existing non-farm dwellings in areas designated as Agricultural Area, Restricted Agricultural Area or Urban Fringe Area, which are not permitted by this Plan, may be recognized in the Zoning By-law. This Plan will not prevent such dwellings from being expanded or renovated provided that the provisions of the implementing Zoning By-law are complied with.



9.10.2 Non-Conforming Uses

Any land use existing on the date this Plan was adopted by Council that does not conform to the land use designations or policies contained herein shall be termed non-conforming. The following policies shall apply to non-conforming uses:

- a) Non-conforming uses should ultimately cease to exist so that the land affected may revert to a use in conformity with the intent of this Plan.
- b) In special instances, it may be desirable to permit the extension or enlargement of a non-conforming use to avoid unnecessary hardship. Such extensions or enlargements shall be dealt with pursuant to Sections 34(10) or 45(2) of the *Planning Act*.

9.10.3 Non-Complying Uses

Where an existing use of land is permitted within the applicable zone in the Municipality's Zoning By-law, but the buildings or structures located on the property do not meet one or more of the provisions or regulations of the applicable zone, the use shall be considered to be legal non-complying. Applications for the expansion, alteration or addition of the non-complying use shall be considered by way of Zoning By-law Amendment or minor variance, depending on the nature of the proposal.

9.10.4 Land Acquisition

The Municipality may acquire land to implement any feature of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act*, or any other Act. Municipal land assembly shall be permitted for residential, commercial and industrial uses, provided such activity complies with the policies of this Plan.

9.11 PARKLAND DEDICATION

The Municipality shall secure the maximum benefit of Sections 42 and 51.1 of the *Planning Act* with respect to land dedication for park development. The following policies shall apply to parkland dedication:

- a) Parkland dedication shall be calculated based on the total gross area of the land within the plan of subdivision and/or site plan.
- b) Where land is to be developed for residential purposes, Council may require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the following criteria or combination:



- i) Development densities of 25 units per hectare or less will require up to five percent (5%) land dedication.
- ii) Development of densities greater than 25 units per hectare will require a dedication at a rate of one hectare per 300 units.
- c) Where land is developed or redeveloped for industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of two percent (2%) of the land proposed for development.
- d) Where land is developed or redeveloped for any use other than residential, industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of five percent (5%) of the land proposed for development.
- e) If part of the area for development or redevelopment is not required for park purposes, then cash-in-lieu of the land dedication may be accepted to be paid into a special account and used as specified in Sections 42 and 51.1 of the *Planning Act*.
- f) Where new development is proposed on a site, part of which has physical limitations or hazards, then such lands shall not necessarily be acceptable as part of the five percent land dedication under Sections 42 and 51.1 of the *Planning Act*. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality.
- g) As a condition of draft plan of subdivision approval, the proposal shall be required provide a park facilities design satisfactory to the Municipality for any park with the plan of subdivision. However, in order to ensure that the size, configuration and orientation of the park is such that it can be programmed in an efficient manner, it may be necessary to prepare a park facilities design prior to draft plan approval.
- h) The Municipality will carry out programs to improve park facilities and provide public parks to meet the needs of the community, as well as augmenting the present park deficiencies.