

# PART 6

## IMPLEMENTATION

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## **6.1 GENERAL**

**6.1.1** This Official Plan will be implemented by authority conferred upon Council by the Planning Act, the Municipal Act and such other statutes as may be applicable. In particular, this Plan shall be implemented by the Zoning By-law , Secondary Plans, site plan control, subdivision and part-lot control, consents to severances, the property standards by-law, the provision of municipal services, public works, energy conservation and other legislation.

In order to ensure that the policies of the Official Plan are being implemented, the following controls will be regularly reviewed:

- a) the Zoning By-law;
- b) Subdivision and Part-Lot Control;
- c) Site Plan Control Guidelines; and
- d) all other practices and procedures involved in processing development applications.

## **6.2 OFFICIAL PLAN REVIEW AND AMENDMENTS**

**6.2.1** In accordance with the Planning Act, a special meeting of Council, open to the public, will be held at least once every five years for the purpose of determining the need for a comprehensive review of policies and land use designations of this Plan, to ensure that it accurately reflects the changing needs and circumstances in the City.

**6.2.2** Amendments to this Plan may be proposed from time to time. Council will consider such amendments provided that:

- a) the original intent and purpose of the Plan is not radically altered;
- b) the amendment is needed and can be justified in light of accepted planning principles;
- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken; and
- d) they conform to the County's Official Plan and the Provincial Policy Statement.

## **6.3 ZONING BY-LAWS**

- 6.3.1** A Zoning By-law pursuant to Section 34 of the Planning Act, will be used to regulate the use of land and the character, location and use of buildings and structures in accordance with the policies of this Plan.
- 6.3.2** Following adoption of this Plan, it is intended that the existing comprehensive Zoning By-law be rewritten to establish development standards in conformity with the policies of the Official Plan.
- 6.3.3** The main permitted uses in the land use designations on Schedule 'A' will generally be permitted by the Zoning By-law, when appropriate.
- 6.3.4** Other permitted uses in the land use designations on Schedule "A" may generally be recognized by the Zoning By-law or by amendment to the By-law.
- 6.3.5** Although it is intended that all lands will eventually be zoned in the Zoning By-law to conform with the main permitted uses on Schedule "A" it is not intended that all lands be zoned for their ultimate use immediately. Vacant lands designated for specific uses in the Plan, particularly those areas which may be the subject of a Secondary Plan, may be zoned in an implementing Zoning By-law in a "holding" zone as an interim measure, as set out in Section 6.4. When such areas are deemed necessary for development, they will be rezoned to an appropriate category to permit the uses set forth in this Plan.
- 6.3.6** The existing Zoning By-law will be reviewed and periodically consolidated.

## **6.4 HOLDING BY-LAWS**

- 6.4.1** Council may enact holding by-laws in accordance with Section 36 of the Planning Act, in order to limit or prevent the use of certain lands until such time as Council is satisfied that development is feasible within the ability of the City to provide the necessary services and such development satisfies the provisions of the Plan.
- 6.4.2** Generally, holding by-laws will be applied to lands which are unserviced or undeveloped at the date of adoption of this Plan. Holding by-laws will identify the ultimate use of these lands in accordance with this Plan and shall identify the holding restriction by affixing a ("H" or "h") prefix to the land use zone applicable to the lands.
- 6.4.3** Council will place certain lands in holding zones in order that lands may be released for development when appropriate, by amendment to the Zoning By-law.

**6.4.4** Holding by-laws will specify uses (and any additional regulations applicable thereto) which will be permitted while the by-law is in effect, provided that such interim uses do not conflict with the ultimate designated use of the lands. Interim uses may include agricultural uses, one single-detached dwelling per lot, and uses existing at the date of adoption of this Plan.

**6.4.5** Prior to enacting a by-law to delete the holding symbol in accordance with the Planning Act Council shall be satisfied that:

- a) servicing capacity is available to, and servicing systems are adequate for the servicing of the subject lands;
- b) all necessary financial and servicing requirements have been satisfied;
- c) all necessary subdivision or development agreements have been entered into and the conditions of these agreements have been or will be met; and
- d) proposed development of the subject lands satisfies all other applicable policies of this Plan.

The holding ('H' or 'h') symbol will be removed by By-law passed pursuant to the Planning Act. Although notice will be given by Council when a holding symbol is to be removed, there can be no objection or referral to the Ontario Municipal Board. However, should Council refuse to pass an amending By-law to remove the holding symbol if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner.

## **6.5 TEMPORARY USE BY-LAWS**

**6.5.1** Council may enact temporary use by-laws in accordance with Section 39 of the Planning Act to allow land and buildings to be zoned for uses otherwise prohibited by the By-law and which do not conform to the Official Plan. Such by-law will describe the specific area affected and establish an expiry date for the by-law which shall not be later than ten years from the date of passing thereof, in the case of a by-law authorizing the temporary use of a garden suite, or three years from the date of passing thereof, in all other cases.

**6.5.2** Despite Policy 6.5.1 Council may pass further temporary use by-laws to grant further three year periods.

**6.5.3** Subsequent to the expiration of a by-law enacted in accordance with Policies 6.5.1 or 6.5.2, the use permitted by that by-law shall cease with respect to the comprehensive Zoning By-law.

- 6.5.4** In considering a temporary use by-law, Council shall be satisfied that:
- a) the proposed development or redevelopment is consistent with the temporary nature of the use;
  - b) the proposed use is compatible with adjacent uses and, where necessary, buffering is provided to ensure visual separation and compatibility between uses;
  - c) the size of the lot and/or building is appropriate for the proposed use; and
  - d) adequate services are available.

**6.5.5** The temporary use by-law shall establish all necessary site regulations within the by-law, or by reference to the comprehensive Zoning By-law.

**6.5.6** Before passing a by-law under this section Council shall hold a public meeting as prescribed in the Planning Act.

## **6.6 INTERIM CONTROL BY-LAWS**

**6.6.1** When Council has directed that a study or review of land use policies be undertaken for a defined area, Council may pass an interim control by-law in accordance with Section 38 of the Planning Act, to restrict the use of land, buildings or structures to those established in such a by-law.

**6.6.2** The effective period of an interim control by-law shall not exceed one year except that Council may amend the by-law to extend the period provided the total effective period of the by-law does not exceed two years from the date of passing of the original interim control by-law.

**6.6.3** When an interim control by-law ceases to be in effect, Council may not pass a further interim control by-law on the subject lands for a minimum period of three years.

## **6.7 BONUS ZONING**

**6.7.1** In order to implement some of the policies of this Plan, the Council may pass a By-law pursuant to the Planning Act, authorizing increases in height and/or density for development permitted by this Plan, as an incentive to encourage landowners to provide specific amenities. This type of By-law is referred to as a "Bonus Zoning" By-law.

**6.7.2** The City may make use of bonus zoning to authorize increases in height and/or density of development beyond that permitted by the implementing comprehensive Zoning By-law in return for the provision of such facilities, services or matters that would comply with the general intent of this Plan. These could include:

- a) preservation of heritage buildings and features;
- b) provision of a community centre or other community/cultural facilities;
- c) provision of additional parking spaces beyond the requirements of the Zoning By-law that may be located on the site or on adjacent lands;
- d) provision of additional open space beyond any conveyances under the Planning Act;
- e) provision of additional road or servicing improvements;
- f) preservation of woodlots or environmentally significant/sensitive areas which would not be accepted as parkland dedication; and
- g) provision of a wide range of housing types including assisted housing or other low income housing types.

**6.7.3** The Bonus Zoning provisions of this Plan may be implemented by the Council through a By-law passed under the authority of the Planning Act, which constitutes the enabling legislation.

**6.7.4** The By-law will identify areas where the bonus provisions would apply, and will:

- a) contain detailed development standards that would apply when the bonus is awarded. If the bonus is not awarded, the standards of the basic zoning category assigned to the site would apply;
- b) specify the bonus standard's relationship to the required conditions in order for these bonus standards to apply to the site;
- c) specify the amount by which the height and/or density of the development would be increased in exchange for certain facilities, services or matters;
- d) specify the matters to be addressed within the agreement. The reference in the By-law will not make the bonus awarded conditional on entering into the agreement. It should be clear that as part of the bonus being awarded and the standards applying, the agreement will be entered into; and
- e) be written in such a way as to ensure that discretion cannot be applied. If the conditions to be met and bonus to be awarded are all agreed to and set out in an agreement, a further rezoning should not be necessary.

**6.7.5** In all cases, the increase would be based on a site specific review, taking into account, location, surrounding land uses and design considerations, and in each instance the standards proposed must comply with the policies of this Plan. Bonusing By-laws will only apply to lands where full municipal servicing is available.

## **6.8 EXISTING NON-COMPLYING AND NON-CONFORMING USES**

### **6.8.1 Existing Uses**

Uses that are in existence on the date of the adoption of this Plan by Council, may be recognized in the implementing Zoning By-law only on the same lot or parcel of land on which they were situated on the said date provided Council is convinced such uses do not impose adverse effects on neighbouring properties.

### **6.8.2 Non-Complying Uses**

In some cases a land use may be recognized as a permitted use under the implementing Zoning By-law but may be non-complying with respect to various regulations of the By-law. This can be the result of a change in the standards of the City.

In such cases, the Zoning By-law may allow for additions to non-complying buildings or structures and erection of buildings and structures accessory to a non-complying building or structure, provided that the provisions of the Zoning By-law are not further contravened. A further contravention means the making of an addition to an existing non-complying building or structure, any part of which addition does not comply with the required setbacks or any other provision of the Zoning By-law.

### **6.8.3 Non-Conforming Uses**

**6.8.3.1** Nothing in this Plan will adversely affect the continuation of a use that was legally established as of the date of adoption of this Plan. Any land use existing as of the date of adoption of this Plan that does not conform with the land use designations as shown on Schedule "A" to this Plan or the policies related thereto should, as a general rule, cease to exist over the long term and will not be recognized as a permitted use in the implementing Zoning By-law.

#### **continuation of use**

**6.8.3.2** Uses that are not permitted in the Zoning By-law have the right to continue indefinitely provided that the use of the property remains the same as on the day the By-law was passed and continues to be used for that purpose.

#### **extensions or enlargements**

**6.8.3.3** In special instances, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship.

**conditions**

**6.8.3.4** In considering applications to permit an extension or enlargement of a non-conforming use, the Committee of Adjustment will have regard to the following matters:

- a) the land use designations and policies of this Plan;
- b) the feasibility of acquiring the property pursuant to the Planning Act;
- c) the possibility of relocating the use;
- d) the impact of the proposal on the immediate area;
- e) the size of the enlarged operation related to the existing use;
- f) the degree to which any objectionable features of the use may be increased by the proposal;
- g) the possibilities of reducing the objectionable features through landscaping, buffering, etc.;
- h) the adequacy and availability of municipal services;
- i) the impact of the proposal on environmental functions, features and linkages;
- j) the effect of existing environmental hazards; and
- k) the adequacy and availability of sanitary sewage, storm water and water services.

**replacement or repair**

**6.8.3.5** Non-conforming uses which have been destroyed or partially destroyed by an act of God such as fire, winds, and so on, may be replaced or repaired. However, prior to granting permission to repair or replace a non-conforming use in order to minimize the detrimental effects of the non-conforming use, the City should be satisfied that:

- a) the size of the building or structure to be replaced is the same size as the building or structure destroyed;
- b) if the siting of the non-conforming building or structure is in contravention to one or more provisions of the Zoning By-law, then it shall be a policy of this Plan to encourage the building or structure to be replaced in compliance with the provisions of the Zoning By-law to the extent possible, and in no case shall it further contravene the provisions of the said By-law;
- c) where the non-conforming use is located in an area designated as a site plan control area pursuant to the Planning Act, the Site Plan Control policies of this Plan will apply;

- d) the possibility of reducing any objectionable features through landscaping and buffering should be encouraged;
- e) the use cannot be relocated;
- f) it is not feasible to acquire the property pursuant to the Planning Act; and
- g) sanitary sewage, storm water and water services are adequate.

## **6.9 SUBDIVISION CONTROL**

**6.9.1** The Subdivision Plan approval process and Subdivision Agreements pursuant to Section 51 of the Planning Act will be used by Council to ensure that the policies and land uses of the Official Plan and Secondary Plans are complied with and that a high standard of design is maintained in new development areas.

**6.9.2** Council will approve only those Plans of Subdivision which conform with the following criteria:

- a) the policies of this Plan;
- b) adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, parkland and fire and police protection can be provided;
- c) the City is able to provide necessary services without imposing undue increases in taxation on all residents, and;
- d) the Plan of Subdivision is not deemed to be premature, and it is considered in the public interest.

## **6.10 SITE PLAN CONTROL**

### **6.10.1 Establishment of Site Plan Control Area**

**6.10.1.1** Pursuant to the Planning Act, all lands within the City are designated as a proposed site plan control area.

**6.10.1.2** The Council may, by By-law, designate the whole or any part of the City as a site plan control area, either geographically or by reference to one or more zones contained in the implementing Zoning By-law. Low density residential development and agricultural buildings and structures are not normally subject to site plan control unless specifically indicated in the implementing Site Plan Control By-law.

## **6.10.2 Approval of Plans or Drawings**

**6.10.2.1** No person will undertake any development in an area designated as a site plan control area unless the City has approved one or both, as the City may determine, of the following:

- a) plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under this Section;
- b) drawings showing plan, elevation and cross-section views for each building to be erected, and displaying:
  - i) the massing and conceptual design of the proposed buildings;
  - ii) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
  - iii) the provisions of interior walkways, stairs, elevators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

## **6.10.3 Conditions to Approval of Plans**

**6.10.3.1** As a condition to the approval of the plans and drawings referred to in [Section 6.10.2](#), the City may require the owner of the land to:

- a) provide to the satisfaction of and at no expense to the City any or all of the following:
  - i) widening of highways that abut on the land subject to the Planning Act. widening will be in accordance with the Transportation policies of this Plan;
  - ii) facilities to provide access and curbing and traffic direction signs, subject to the Public Transportation and Highway Improvement Act;
  - iii) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
  - iv) walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
  - v) facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon;
  - vi) walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;

- vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - viii) easements conveyed to the City for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the City or local board thereof on the land; and
  - ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- b) maintain to the satisfaction of the City and at the sole risk and expense of the owner any or all of the facilities or works set out in Section 6.10.3.1 a) ii) to ix), inclusive, including the removal of snow from access ramps and driveways, parking and loading areas and walkways; and
- c) enter into one or more agreements with the City dealing with and ensuring the provision and maintenance of any or all of the facilities, works or matters set out in this subsection, or with the provision and approval of the plans and drawings referred to in [Section 6.10.2](#). Such agreements may be registered against the land to which they apply.

## **6.11 DEVELOPMENT CHARGES**

**6.11.1** Council may collect development charges from developers or redevelopers of land to offset the cost of providing services to development or redevelopment, in accordance with Provincial legislation. Without limiting the generality of the foregoing, matters which may be considered as subject to development charges include:

- a) electrical distribution facilities;
- b) storm sewers;
- c) sanitary sewers;
- d) water distribution mains;
- e) transit facilities;
- f) works facilities;
- g) fire protection facilities;
- h) City wide recreation facilities; and
- i) seniors centres.

## **6.12 COMMITTEE OF ADJUSTMENT**

### **6.12.1 Powers of Committee**

The Committee of Adjustment, pursuant to the Planning Act, has the power to:

- a) authorize a minor variance from the provisions of the Zoning By-law or an Interim Control By-law in respect of land, buildings or structures on the land or the use of the land;
- b) permit the enlargement or extension of a non- conforming building or structure and/or a change in use of land, building or structure from one non-conforming use to another;
- c) permit the use of land, buildings or structures for any purpose that in the opinion of the committee conforms with the uses permitted and defined in general terms in the By-law;
- d) authorize a minor variance from the provisions of any By-law that implements this Plan in respect of land, buildings or structures on the land or the use of land, provided that the committee has been empowered to do so by Municipal By-law; and
- e) to act as the consent granting authority provided that the committee has been empowered to do so pursuant to the Planning Act.

**6.12.1.1** It should be noted that the Committee of Adjustment has no power to permit the enlargement or extension of lands that are used for a non-conforming purpose, nor does it have the power to permit the erection of a new building or structure. The authority to authorize the extension or enlargement of lands that are used for a non-conforming purpose rests with Council, pursuant to the Planning Act. In this regard the relevant policies of this Plan regarding Non-Conforming Uses shall apply.

### **6.12.2 Minor Variances**

**6.12.2.1** When dealing with an application for a minor variance, the Committee must consider the following matters and refer to them in its decision:

- a) is the requested variance minor;
- b) is the general intent and purpose of the Official Plan maintained;
- c) is the general intent and purpose of the Zoning By-law (or other By-law which implements this Plan) maintained; and
- d) is the minor variance desirable for the appropriate development or use of the land, building or structure.

**6.12.2.2** When considering applications for development on existing under-sized lots, the Committee of Adjustment shall be satisfied that:

- a) sufficient additional property to comply with the minimum requirements cannot be acquired without undue hardship;
- b) adequate provision is made for vehicular access and off-street parking on the undersized lot;
- c) the lot size and design of proposed structures are consistent with surrounding development and the general intent of the provisions in the Zoning By-law and this Plan;
- d) building coverage on the lot will not create an undesirable situation; and
- e) where municipal services are unavailable, the size of the lot must be capable of supporting a private well and septic tank system approved by the appropriate approval authority.

### **6.12.3 Permission Regarding Non-Conforming Uses**

**6.12.3.1** When dealing with an application for permission to enlarge or expand a non-conforming use, the Committee will consider the following matters:

- a) has the non-conforming use continued from the date of passing of the Zoning By-law to the date of the application to the Committee;
- b) was the non-conforming use legally established under the laws in force at that time;
- c) would any enlarged buildings or structures be used for the same purpose as the original buildings or structures were used on the day the By-law was passed;
- d) would any change of use be similar to the previous use or be more compatible with the uses permitted by the By-law;
- e) would the intent and purpose of this Plan be affected in any way;
- f) what impact would the proposal have on the neighbourhood;
- g) how does the size of the enlarged use compare with the existing use;
- h) to what degree would any objectionable feature of the use be increased by the proposal;
- i) is there a possibility of reducing the objectionable features through landscaping or buffering;

- j) are the required municipal services available and adequate; and
- k) the adequacy and availability of sanitary sewage, storm water and water services.

#### **6.12.4 Permission Regarding General Uses**

**6.12.4.1** When dealing with an application for permission regarding a use defined in general terms, the Committee must consider the following matters:

- a) is the general intent and purpose of the Official Plan maintained; and
- b) does the proposed use conform to the uses permitted in the Zoning By-law.

#### **6.12.5 Consents - General**

**6.12.5.1** The creation of individual parcels of land will only be agreed to by the Committee of Adjustment (Consent Granting Authority) when they conform to the policies of this Official Plan and the regulations of the Zoning By-law.

**6.12.5.2** Consents may be agreed to by the consent granting authority so as to correct lot boundaries and to convey additional land to an abutting lot, provided that no undersized lots are created.

**6.12.5.3** All consents for municipal or county purposes such as road widening shall be exempt from the provisions of [Sections 6.12.6](#) and [6.12.7](#).

**6.12.5.4** Prior to granting a conveyance, the consent granting authority shall consider the following conditions, which may be stipulated as conditions of consent, where applicable:

- a) that tax arrears and water accounts be paid in full;
- b) that the appropriate Development Charge be paid to the City to cover community services;
- c) that reference plans, surveys, or legal descriptions as deemed appropriate, be provided;
- d) that land not exceeding 5 per cent of the land being severed be conveyed to the Municipality for park purposes or alternatively, the City may accept money equal to the value of the land required to be conveyed;
- e) that any road widening required be dedicated to the authority having jurisdiction over the roadway;
- f) that the applicant agree to enter into an agreement to maintain any drainage facilities which traverse the subject property;

- g) that the applicant (or proposed purchaser) agree to enter into an agreement to construct or maintain fences around the subject property, if necessary;
- h) that the applicant is prepared and Council is willing to enter into an agreement as a condition of consent whereby the roadway upon which the severance fronts will be improved to a standard satisfactory to the authority having jurisdiction; and
- i) that the Zoning By-law of the City be amended to permit the proposed use, if necessary, prior to the issuance of a certificate or the stamping of deeds.

**6.12.5.5** Prior to the Committee of Adjustment making its decision with respect to applications for consents to sever land, reports may be required from the following:

- a) a report from the Engineering Department as to the suitability of the proposed driveway access to the parcel and the ability of the City to provide reasonable access to the property at all times of the year;
- b) a report from the Chief Building Official stating his opinion of the suitability of the location of the building proposed for the parcel of land to be created by consent;
- c) a report from the appropriate approval authority stating their opinion on the suitability of the lot for proposed septic tank and tile bed system, if required; and
- d) a report from any other agencies required by Regulations.

**6.12.5.6** The consent granting authority shall have regard for the following policies when evaluating a severance application:

- a) the Committee of Adjustment shall be guided by the land use policies of the Official Plan when assessing severance applications in order to ensure compatibility between the existing and proposed land uses;
- b) scattered development throughout the planning area shall be prevented;
- c) severances should be granted only when it has been established that soil and drainage conditions are suitable to permit the proper siting of buildings; that a sufficient and potable water supply exists, and that an adequate means of sewage disposal can be provided;
- d) the size of any parcel of land created by consent should be appropriate for the proposed use and in no case should any parcel be created which does not conform to the minimum provisions of the Zoning By-law;
- e) severances should not be given if the land does not front on an existing public road that is maintained year round and is of a reasonable standard of construction. On a private road a report should be obtained from the City Engineer;

- f) severances should not be granted for land adjacent to a road, if access thereto creates a traffic hazard because of limited sight lines on curves or grades;
- g) severances should not be granted for a parcel of land which is subject to flooding or erosion, or other physical hazard, if the use of the parcel requires a building to be erected;
- h) severances should not be granted on land having a Class I, Class II or Class III soil based on the Canada Land Inventory Soil Capability for Agriculture, unless for agricultural uses; and
- i) severances for the purpose of establishing mobile homes shall not be permitted.

**6.12.5.7** The consent granting authority, prior to making a decision, shall give consideration to the following matters:

- a) a site inspection;
- b) in addition to the requirements of the Regulations, a report should be obtained from appropriate agencies regarding the suitability of the consent and any proposed building, where the authority deems that there is a particular problem requiring additional technical advice; and
- c) the compatibility of the proposed use or type of structure with the surrounding land uses.

## **6.12.6 Consents - Residential Areas**

Applications for consents in the Residential Areas will only be considered where:

- a) the number of new lots to be created is generally less than five, except in the case where the new lots would have the effect of infilling existing development and/or the proposed development is covered by a severance agreement with the City;
- b) an agreement satisfactory to the City is entered into regarding the extension, improvement or assumption by the City of any new roads or municipal services;
- c) adequate sewage treatment facilities and water capacity are or can be made available to service the lot(s);
- d) a Plan of Subdivision would provide no greater benefit to the City with respect to regulating development;
- e) safe access can be achieved to the lot(s) from a public right-of-way; and
- f) the proposed lot(s) will not restrict the proper servicing and development of other properties, and will be compatible with surrounding land uses.

**designations**

**6.12.6.2** Lands to which the multiple severance apply must already be designated for the proposed use. Where an Official Plan amendment is required, the amendment must be approved prior to a decision on the related severance application(s).

**severance agreement**

**6.12.6.3** Multiple lot severances shall be subject to a comprehensive severance agreement entered into with the City. This agreement would be similar to a subdivision agreement and will ensure provision of services to municipal standards.

**6.12.7 Consents - Rural Area****6.12.7.1 General Policies**

The creation of individual parcels of land by consent for residences in the Rural Area will generally be prohibited. Consents will be permitted in accordance with Sections 2.2.11 and 2.2.19.2. Consents for other uses will only be permitted in accordance with the provisions of Section 2.2.17 and where it can be clearly shown to the satisfaction of the City that the proposed use is a desirable one and permitted in accordance with the provisions of Section 2.2.1 and 2.2.2. The following criteria shall be applied when considering applications for any land severance by consent generally within the Rural Area:

- a) both the severed and retained parcels are of sufficient size for the agricultural use intended including adequate land for manure utilization from livestock on the property. A consent for conveyance may be granted where the land being conveyed or retained is for agricultural purposes. However, the proposed operation must be a viable agricultural operation either by itself or in conjunction with other lands owned by the farmer and agriculture must be the intended use of the land being conveyed;
- b) both the severed and retained parcels are of a nature, size and have soil and drainage characteristics that are suitable to support an efficient farm unit and to provide meaningful on-site farm employment on both parcels;
- c) the size of the severed and retained parcels conform to the provisions of the implementing Zoning By-law;
- d) the severance of agricultural land is permitted where the land being conveyed is to be added to an existing non-farm use, provided the land constitutes the minimum requirements necessary for enlargement;
- e) severances may be granted to correct lot boundaries or to convey additional land to an abutting lot provided an undersized lot is not created;

- f) a consent for severance may be granted where the lands being conveyed are from an already existing undersized parcel (i.e. a hobby farm) if the conveyed lands are to be added to an adjacent farm unit;
- g) consents will be allowed where the land being conveyed or retained is for a commercial or industrial use which is primarily related to the processing of agricultural products for servicing farms. These uses insofar as possible, should avoid areas of Class I, II or III farm land;
- h) consents may be granted to sever a residential building with an appropriate lot area of between **0.8 and 2 hectares**, which constitutes a second dwelling on a lot, provided that the dwelling exists legally. This includes dwellings which are acquired through parcel consolidations; and
- i) all consents will be subject to the provisions of the Minimum Distance Separation Formulae and where intensive animal operations are involved, a calculation may be required by the City prior to a decision on a consent application.

## **6.13 CONCEPTUAL DEVELOPMENT PLANS**

**6.13.1** Conceptual Development Plans are more detailed land use, transportation and servicing policy plans covering specific areas of the City.

**6.13.2** Conceptual Development Plans may be required (but not as amendments to this Plan) prior to consideration of development proposals in areas where there are extensive areas of vacant land in several ownerships.

**6.13.3** The main objectives of Conceptual Development Plans are to assure the Council and staff that:

- a) development of extensive areas of vacant land in several ownerships is carried out in a comprehensive and integrated manner which reinforces the community structure;
- b) major new development or redevelopment takes place in harmony with existing uses.

**6.13.4** Conceptual Development Plans may be required for parts of the City where due to local circumstances it is necessary to plan in greater detail in order to assure that the policies of this Plan will be properly implemented. In certain parts of the City, to be identified from time to time, Conceptual Development Plans may be a prerequisite for any major new development or redevelopment.

**6.13.5** Conceptual Development Plans must conform to and implement, the policies and land use designations of this Plan. The Conceptual Development Plan does not amend the Official Plan but may be adopted by resolution of Council as a policy guideline.

- 6.13.6** Without limiting the generality of Section 6.13.3, Conceptual Development Plans covering any defined area of the City may be required to indicate the following:
- a) the general land use and development concept proposed;
  - b) indicate the proposed land use and road pattern, overall form of built development, density and intensity of development;
  - c) identify locations for community facilities, and relate location, size and type of facilities to an assessment of needs;
  - d) identify the need for, as well as the amount and location of parkland, open space and recreational facilities;
  - e) establish a detailed road and pedestrian walkway system, if appropriate, and indicate how the proposed circulation systems integrate with the existing pattern of roads and land uses;
  - f) identify environmentally sensitive features and prescribe methods for their protection and preservation if appropriate;
  - g) in industrial areas, indicate appropriate alignments of railway spur lines and other transportation facilities where feasible; and
  - h) establish a technique to ensure equitable arrangements among property owners for the provision of community facilities such as parkland or schools.

## **6.14 SECONDARY PLANS**

- 6.14.1** Secondary Plans are land use, transportation and servicing policy plans for major growth areas in the City of Sarnia that provide greater detail than the Official Plan on how the goals, policies and land use designations of the Official Plan are to be implemented in a particular area.
- 6.14.2** Secondary Plans and amendments to Secondary Plans are to be part of the Official Plan and will be subject to the same administrative and public participation procedures as any Official Plan Amendment. Secondary Plans will contain separate Schedules.
- 6.14.3** Secondary Plans will conform to and be designed to implement the goals, policies and land use designations of the Official Plan.
- 6.14.4** Secondary Plans will indicate policies and implementation methods for staging of development and servicing.

**6.14.5** Secondary Plans will establish a technique to ensure equitable arrangements among property owners for the provision of community facilities such as parkland or schools.

**6.14.6** Without limiting the generality of 6.14.1, Secondary Plans shall indicate the following:

**6.14.6.1 For Predominantly Residential Areas**

- a) the overall population capacity, density and growth rate related to the provision of road and service infrastructure;
- b) the overall mix of housing and the type and density of residential dwellings contained by land block;
- c) the location, size type and area of lands for community service facilities based on an adequate assessment of community service needs;
- d) the need for and the location and area of open space, parkland, recreation facilities, school sites and conservation lands; and if appropriate, establish a detailed road and pedestrian walkway system and indicate how the proposed circulation systems integrate with the existing pattern of roads and land uses;
- e) the location and area of commercial, institutional and industrial land uses;
- f) the alignment and right-of-way of arterial and collector roads;
- g) identification of land use compatibility constraints to development resulting from noise, odour, vibration, particulate and other emissions with particular attention to road traffic noise from Highway 402 and 40A and any prescribed buffering measures necessary to comply with Provincial policies and guidelines. Development applications near emission sources may be required to carry out an impact assessment.
- h) identification of environmentally sensitive features and prescribed methods for their protection and preservation, if appropriate.

**6.14.6.2 For Predominantly Industrial Areas**

- a) the location of land blocks of various general types of industry, classified by general physical and functional characteristics;
- b) the location of lands to be left as open space;
- c) the location and area of commercial and institutional land uses;
- d) the alignment and right-of-way of arterial and collector roads, railroad main lines and spur lines, and where appropriate, major underground and above-ground services and utilities;

- e) planned employment levels and densities in relation to the provision of roads and services; and
- f) identification of environmental constraints to development.

**6.14.7** Secondary Plans may provide for a variety of housing types and densities.

**6.14.8** Notwithstanding existing development within the area formerly known as Corporation Park, in Secondary Plan Areas, as described in Part 3, additional land may be set aside for complementary uses necessary to serve residential areas and may include commercial, recreational and institutional uses.

**6.14.9** The whole of each area described in Part 3 will be incorporated into a Secondary Plan or Plans prior to the approval of development applications within the respective areas.

**6.14.10** In Secondary Plan areas, as described in Part 3, the overall residential density shall not exceed 3.8 units per acre.

**6.14.11** Secondary Plans shall provide for the identification of flooding constraints in the areas described in Part 3 and prescribe appropriate buffering measures (using floodlines or setbacks) for flooded areas and/or remedial works (channel improvements, etc.) to alleviate flooding concerns in the affected areas.

**6.14.12** Secondary Plans will provide for the identification of environmentally sensitive features and prescribed methods for their protection and preservation, if appropriate.

**6.14.13** In addition, consideration will be given by Council in formulating a Secondary Plan to the following matters:

- a) encouraging those land uses that will generate employment opportunities for residents of the community;
- b) encouraging energy efficient designs;
- c) establishing policies where appropriate to overcome the impact of rail and vehicular noise on existing and proposed residential development; and
- d) providing pedestrian access from residential development to parks, schools, commercial areas, churches, community facilities and similar land uses.

## **6.15 PUBLIC INFORMATION**

**6.15.1** From time to time it will be necessary to amend the Official Plan and Zoning By-law in order to reflect changing conditions, priorities and needs of the community. Any amendments to either document will require that an opportunity be given to inform and obtain input from the public in order to ensure that the Official Plan and the implementing Zoning By-law reflect the goals and objectives of the community.

### **6.15.2 Official Plan Amendments**

The procedures to be followed in amending the City Official Plan shall include a minimum of **20 days** notice for public meetings as required by the Planning Act, and shall include the following measures:

- a) adequate information shall be made available to the public, including all boards, commissions and agencies having an interest in the matter as required by the Planning Act;
- b) at least one public meeting shall be held by City Council to inform and obtain comments from the public;
- c) notice may be given by publication in a newspaper that, in the opinion of the City Clerk, is of sufficiently general circulation in the area to which the proposed Official Plan or Plan Amendment would apply that it would give the public reasonable notice of the public meeting; and

individual notices may be sent by prepaid first class mail to all persons shown on the assessment roll who are within the area to which the amendment applies and to those who are in within **120 metres** of the lands affected by the proposed amendment, at least **20 days** prior to the Public Meeting; or

alternatively, individual notices sent by prepaid first class mail to all persons shown on the assessment roll who are within the area to which the amendment applies and to those who are in within **120 metres** of the lands affected by the proposed amendment, at least **20 days** prior to the Public Meeting; and

posting a notice of the meeting, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the proposed Official Plan or Plan Amendment would apply or, where posting on the property is impractical, at a nearby location chosen by the City Clerk.

- d) individual notices will also be given to persons or agencies who have made a request to the Clerk for notice;
- e) a second notice may be placed in the newspaper (not necessarily in the same format) two days prior to the Public Meeting; and

- f) the same procedures will be repeated to renotify the public in the event meetings are adjourned or if the proposals are substantially revised.

### 6.15.3 Zoning By-law Amendments

**6.15.3.1** The procedure to be followed in amending the City of Sarnia By-law shall include a minimum of **14 days** notice for public meetings instead of the **20 days** required by the Planning Act, and shall include the following measures:

- a) adequate information shall be made available to the public, including all boards, commissions and agencies having an interest in the matter as required by the Planning Act, including Lambton County and any affected municipality;
- b) at least one public meeting shall be held by City Council to inform and obtain input from the public regarding an application to amend the Zoning By-law;
- c) notice may be given by publication in a newspaper that, in the opinion of the City Clerk, is of sufficiently general circulation in the area to which the proposed Official Plan or Plan Amendment would apply that it would give the public reasonable notice of the public meeting; and

individual notices may be sent by prepaid first class mail to all persons shown on the assessment roll who are within the area to which the amendment applies and to those who are in within **120 metres** of the lands affected by the proposed amendment, at least **14 days** prior to the Public Meeting; or

alternatively individual notices sent by prepaid first class mail to all persons shown on the assessment roll who are within the area to which the amendment applies and to those who are in within **120 metres** of the lands affected by the proposed amendment, at least **14 days** prior to the Public Meeting; and

posting a notice of the meeting, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the proposed Official Plan or Plan Amendment would apply or, where posting on the property is impractical, at a nearby location chosen by the City Clerk.

- d) in the case of an application to amend the Zoning By-law which is generally applicable within the City or to multiple sites in various locations within the City, a notice of the public meeting shall be placed in a local newspaper which, in the opinion of the City Clerk, has a general circulation within the City. In addition, any person who has requested notification of any meetings on a particular application to amend the Zoning By-law shall be notified of the public meeting by first class prepaid mail or personal service if the request is received prior to the date notices are issued. For any additional meetings regarding such proposed amendment, the same notification procedures shall be used;

- e) individual notices will also be given to persons or agencies who have made a request to the Clerk for notice;
- f) a second notice may be placed in the newspaper (not necessarily in the same format) two days prior to the Public Meeting;
- g) the same procedures will be repeated to renotify the public in the event meetings are adjourned or if the proposals are substantially revised; and
- h) following Council's approval of an application to amend the Zoning By-law, a by-law is prepared. Once the by-law is enacted, notice shall be given in accordance with Provincial Regulations.

**6.15.4** Where a planning proposal or amendment requires changes to more than one document, Council may hold a public meeting to consider the proposed changes jointly, and the public notification procedures for such a meeting shall be in accordance with provisions set out in this section, and notification may be joint.

**6.15.5** Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan and Zoning By-law where it is determined by the Clerk or Director of Planning and Building that such changes relate to a consolidation of documents, including the following matters:

- a) deleting obsolete provisions;
- b) altering the number and arrangement of any provisions;
- c) altering language or punctuation to obtain a uniform mode of expression;
- d) correcting clerical, grammatical or typographical errors; and
- e) change a format.

All changes associated with a), b), c), and e) above shall be adopted by Council.

## **6.16 SPECIAL STUDIES**

Despite the policies of this Plan, Council recognizes and accepts its responsibility to carry out special studies as the need arises. Such studies will be aimed at developing implementable policies for Council and/or other government bodies to follow. Where necessary, amendments to this Plan may be undertaken as a result of these studies.

## **6.17 CAPITAL WORKS**

The construction of all public works within the City will be carried out in accordance with this Plan and Community Improvement Plans and within the financial capacity of the City.

## **6.18 MONITORING**

The Plan shall undergo a comprehensive review every five years, beginning no less than five years from adoption. The purpose of the review is to establish the degree to which the policies and goals of the Plan have been achieved and to amend the Plan accordingly to enhance its effectiveness if required. A special open meeting of Council will be held for this purpose in order to facilitate public input in the review process.

Amendments to this Plan may be initiated by the City whenever it decides, after careful consideration, that some change in public policy with which the Official Plan is concerned is required for the general welfare of the City. Amendments may be requested by other government agencies, private individuals, corporations or organizations and such requests must include sufficient information and justification to enable the requested amendment to be evaluated.

The City will attempt to establish a program (as funding permits) to monitor on an on-going basis:

- a) population and employment growth;
- b) land use and development trends;
- c) rate of development in units/year, floor space/year;
- d) the balance between resident labor force and employment opportunities; and total labor force and housing availability;
- e) housing mix;
- f) changes in wildlife habitats and fish habitats;
- g) open space/population ratios;
- h) changes in the amount of woodlands, wetlands and other naturally vegetated areas;
- i) servicing capacities;
- j) impacts on surface and ground water quality and quantity; and
- k) other factors affecting land use planning for the City, as deemed appropriate.

PART 6: Implementation - Official Plan

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This program will help ensure that the goals and policies of this Plan remain meaningful and to determine the effectiveness of policy implementation methods.

As part of the monitoring process, the Plan may be amended from time to time.

A bi-yearly consolidation of the Plan will also be prepared as required including all general amendments to the Plan.

Programs provided by the Provincial and Federal governments will be monitored to determine what benefits might be derived from participation in such programs, as part of the implementation of the Plan.