
10.0 INTERPRETATION AND IMPLEMENTATION

This section of the Official Plan contains policies designed to assist in resolving issues pertaining to interpretation of the Plan, when and when not amendments to the Plan shall be required as well as when the Plan will undergo a comprehensive review. The specific legislation or tools by which the Plan will be implemented and their key elements are identified. Before an application under the Planning Act is submitted, regard shall be had to the relevant policies of this section

10.1 GENERAL

10.1.1 Unexpected Situations

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

10.1.2 Settlement Area Boundaries

The boundaries of the settlement areas are shown on Schedule 'C', Schedule 'D' and Schedule 'E' and more precisely on Figure 1 to Figure 5 inclusive follow, wherever possible, readily definable physical features or lot lines (or half lot lines) and are generally to be considered absolute. In accordance with the Provincial Policy Statement, expansion of a settlement area boundary may only be considered at the time of a comprehensive review of the Plan and where the requirements of the PPS have been satisfied.

10.1.3 Land Use Boundaries

The boundaries of the land use designations shown on the schedules to this Plan shall be considered approximate. Only where such boundaries are defined by County roads or significant natural or man-made features shall they be considered absolute.

10.1.4 Accessory Uses

Uses, buildings and structures accessory to a main use shall be permitted in all land use designations provided they are clearly secondary, subordinate and incidental to the main use and situated on the same lot therewith. They shall be appropriate in scale to the main use of the lot on which they are situated and not adversely affect the peace, enjoyment or character of neighbouring uses or create a nuisance, eyesore, health or safety issue with respect to neighbouring uses. Where such uses would have, or have the potential to have, an adverse impact on neighbouring uses (e.g. domestic wind towers, radio antennae, outdoor furnaces), they shall only be permitted in accordance with appropriate provisions being established in the Zoning By-law to mitigate any adverse impacts on neighbouring uses.

10.1.5 Numerics

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

10.1.6 Implementation Measures

This Plan shall be implemented by means of the powers conferred upon the Municipality by the Planning Act, the Municipal Act and such other statutes as may be applicable from time to time. More particularly, the Plan shall be implemented by the enactment of zoning by-laws, site plan control, the granting of consents, the undertaking of community improvement projects and public works.

10.1.7 References to Statutes

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

10.1.8 Review of Existing By-laws

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

10.2 AMENDMENTS AND REVIEW

10.2.1 When Considered

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

10.2.2 When Not Required

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

10.2.3 Five-Year Review

From the date the Plan comes into effect and not less frequently than every 5 years thereafter, the Municipality shall consult with the Ministry of Municipal Affairs and Housing and other bodies prescribed and convene at least one meeting of Council open to the public in accordance with the Planning Act for the purpose of determining the need for any amendments or revisions to the Plan.

10.2.4 Comprehensive Review

A comprehensive review of the Plan, within the meaning of the Provincial Policy Statement, may be undertaken at any time, however, the need for a comprehensive review shall be considered not later than every 5 years from the day the Plan comes into effect. Any changes to a settlement area boundary or any proposed reduction in lands designated as employment lands within the meaning of the Provincial Policy Statement (essentially lands designated for commercial or industrial purposes) shall only be considered on the basis of a comprehensive review.

10.3 PLANS OF SUBDIVISION/CONDOMINIUM

A recommendation for approval by the Municipality to the approval authority for a plan of subdivision or plan of condominium shall be subject to the following criteria being satisfied:

- a) the applicable land use designation and policies of this Plan,
- b) the requirements of the Planning Act,
- c) consistency with the Provincial Policy Statement,
- d) the entering into of a subdivider's/ condominium agreement with the Municipality, and
- e) the posting of sufficient financial security to ensure the protection of the Municipality.

10.4 CONSENTS

10.4.1 New Lots

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

- a) whether a plan of subdivision is considered necessary to ensure the proper and orderly development of the Municipality. Generally, a plan of subdivision shall not be considered necessary where the proposal represents a limited number of lots, the proposed lots front on an open public road and there is no other land under the same ownership adjacent to the lots proposed to be created and designated for the same type of development;
- b) whether the proposed use and severance is in conformity with the policies and land use designations of this Plan;
- c) whether the requirements of the Planning Act are satisfied;
- d) whether the consent is consistent with the Provincial Policy Statement; and
- e) the input received from public agencies.

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

10.4.2 Adjusting and Correcting Lot Boundaries

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

- a) the conveyance does not lead to the creation of an undersized, irregularly shaped lot(s) unsuited to the purpose for which it is being used or proposed to be used, or contrary to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted;
- b) the lands being conveyed are registered in the same name and title as the lands to which they are being added; and
- c) It is stipulated in the granting of the severance that any subsequent conveyance or transaction will require a future severance.

10.4.3 Mortgage Purposes

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

10.5 ZONING

10.5.1 Conformity with the Official Plan

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

10.5.2 Existing Uses

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

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

10.5.3 Temporary Uses

The temporary use of land, buildings and structures may be permitted through the adoption of a temporary use by-law in accordance with the Planning Act. Such uses may be permitted in all land use designations for a period not exceeding three years except in the case of garden suites (often referred to as granny flats) for a period not exceeding 10 years. The temporary use by-law shall describe the area affected and specify the duration for which the use permitted by the by-law will be allowed. In consideration of a by-law to permit the temporary use of land, the Municipality shall have regard to the following:

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

10.5.4 Non-Conformity

Those existing uses of land which do not satisfy the requirements of Section 10.5.2 shall not be recognized as conforming uses in the Zoning By-law. While it is the intent of this Plan that such uses cease to exist in the long run, it may be acceptable to permit their extension or enlargement where it is otherwise not feasible for the Municipality to acquire them or to relocate them to a more desirable location in conformity with this Plan. In these circumstances, permission to extend or enlarge these non-conforming uses shall be based on the following considerations:

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

10.5.5 Premature Uses or Development

In order to prevent the use or development of large areas of undeveloped land before a demand exists and/or before the necessary requirements are in place to adequately accommodate the proposed use or development, lands may be restricted to their existing use by the Zoning By-law until such time as conditions and circumstances are appropriate for development to take place

10.5.6 Holding Provisions

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

- a) a specific proposal has been submitted to the Municipality,

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

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

10.5.7 Minor Variances

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

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

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

10.6 INTERIM CONTROL

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

10.7 SITE PLAN CONTROL

10.7.1 Scope

To ensure a high standard of development and to provide appropriate protection to adjacent uses, the entire Municipality shall be deemed to be a site plan control area. Within this area, development as defined by the Planning Act shall be subject to site plan control with the exception of low-density residential uses and agricultural uses. A site plan control by-law shall be adopted by the

Municipality which specifies the lands and type of development for which site plan approval shall be required.

10.7.2 Site Plan

Where site plan control applies, a site plan shall be submitted, satisfactory to the Municipality, describing the proposed development and showing the location of all buildings and structures, ingress and egress, parking areas and loading areas, landscaping, grading and drainage, external lighting, access for persons with physical disabilities, and buffering and other measures to protect adjacent lands. The location of any required water well and private sanitary waste disposal system shall also be shown on the site plan. Where development is proposed adjacent to a County Road, the Municipality shall request the comments of the County of Elgin on the site plan. Where development is proposed adjacent to Highway No. 401 or within the access control radius of a Highway No. 401 interchange, the Municipality shall request the comments of the Ministry of Transportation on the site plan. Permits from the Ministry may be required.

10.7.3 Building Drawings

The submission of drawings showing plan, elevation and cross-section views for new buildings, including residential buildings containing more than three dwelling units shall be required in areas that are subject to site plan control.

10.7.4 External Design

Drawings showing plan, elevation and cross-section views sufficient in detail to illustrate the external design (i.e. character, scale, appearance, features and similar features) of a proposed building or building addition shall be submitted for non-residential buildings and for residential buildings containing more than three dwelling units in areas specifically designated for such purposes by this Plan.

10.7.5 Streetscape Elements

On any adjoining street or highway, plans may also be required showing plantings, paving materials, sidewalks, street furniture, curb ramps and similar elements adjacent to the development.

10.7.6 Land Dedications for Road Widening

As a condition of site plan approval, the owner may be required to dedicate lands to the Municipality, as the case may be, for road widening purposes.

10.7.7 Site Plan Agreement

A site plan agreement pursuant to the Planning Act shall be required in most instances. Financial security shall be required to ensure due performance.

10.7.8 Site Plan Guidelines

The Municipality may prepare and adopt guidelines to assist proponents in obtaining site plan approval.

10.7.9 Public Input

Upon receipt of an application for site plan approval, the Municipality shall provide an opportunity for review and comment by adjacent owners unless, in

the opinion of the Municipality, the development or redevelopment being proposed is minor and without significant adverse impact on adjacent owners.

10.8 DEVELOPMENT CHARGES

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