

SECTION 7 **IMPLEMENTATION****7.1** **GENERAL**

7.1.1 This Plan may be implemented by a number of means including such things as zoning by-laws and the use of holding zones, temporary use by-laws, interim control by-laws, public participation processes and site plan control by-laws. This section contains policies regarding these and other methods of Plan implementation.

7.2 **ZONING BY-LAW AND HOLDING ZONES**

7.2.1 The existing Zoning By-law shall be reviewed, and if necessary, a new or revised by-law shall be prepared by Council to establish;

- (a) Suitable land use zones to permit the types of development provided for by this Plan;
- (b) Site development standards appropriate to each type of development; and
- (c) Other development regulations as required to meet the intent of this Plan.

7.2.2 Council shall ensure conformity to the intent of this Plan in considering applications to amend the Zoning By-law. It is not intended that all lands be zoned at the outset for the uses indicated on the schedules to this Plan. Applications for re-zoning will be considered on an individual basis in order to achieve the objectives of this Plan.

7.2.3 The Planning Act provides for the use of the holding symbol "H" (or "h") in conjunction with any land use zone found within the implementing zoning by-law. The purpose of this holding symbol is to generally limit the use of land until such time as Council is satisfied that further development may take place.

7.2.4 The objective in using the holding symbol is to prevent or limit the use of land in order to achieve orderly, phased development and to ensure that the servicing and design criteria established in the Plan have been met prior to removing the holding symbol.

7.2.5 Generally, the holding symbol should be applied to undeveloped or unserviced lots in areas where development is anticipated by the designations of this Plan.

- 7.2.6 The holding symbol may be used in conjunction with any land use zone established in the implementing zoning by-law. In conjunction with the use of this symbol, the by-law shall specify the use to which the lands, buildings or structures may be put, if any, while the holding symbol is in effect and may specify the use or uses permitted when the holding symbol is removed.
- 7.2.7 Where the holding symbol is used in conjunction with a Residential Zone, Council, through the by-law, may permit the development of not more than one single family dwelling on a lot existing before the passing of this by-law. Where the holding symbol is used in conjunction with other land use zones, generally no new uses involving buildings will be permitted while the holding symbol is in effect. Uses existing prior to the by-law may also be recognized if, in the opinion of Council, the recognition of the existing use will not hinder the long-term use of the property.
- 7.2.8 Prior to the removal of any holding symbol, Council shall be satisfied, by the developer, that all conditions of approval have been met and all other conditions either have been met or will be met and that the policies of this Plan have been fulfilled in regard to such aspects as phasing, servicing and design criteria.
- 7.2.9 ***Special Policies for Part of Lots 12 and 13, Concessions 6 and 7 (Victoria Harbour Golf Course Community):***

The policies of this Section apply to lands described as Part of Lots 12 and 13, Concession 6 and 7 and generally known as the Victoria Harbour Golf Course Community:

Prior to passing a By-law to lift the Holding Symbol for all or a portion of the subject property, Council will require that:

- a) the applicable Subdivision and/or Site Plan Agreements are in place;
- b) the Ministry of Transportation has approved road improvements and servicing works within the Highway 12 right of way as is necessary to service the development;
- c) the approvals for water taking for the irrigation of the golf course have been obtained from the Ministry of Environment and Department of Fisheries and Oceans as may be required; and,
- d) the Township has confirmed that there is municipal sewer and water servicing capacity for the development as phased. (OPA No. 28)

Upon adoption of this Amendment, Council will consider an implementing Zoning By-law to rezone the property to a site specific Village Residential Special "R2-S", Multiple Residential "R3", Neighbourhood commercial "C2" and to place the golf course into a specific Open Space Zone that permits that part of the

development. Lands that have been designated as being environmental sensitive will be zoned Environmental Protection “EP” to protect those lands from future development.

7.3 TEMPORARY USE BY-LAWS

7.3.1 The Planning Act permits the passing of a by-law to authorize the temporary use of land, buildings or structures for any purpose set out in the by-law that might otherwise be prohibited. Such a by-law must describe the area affected and set an expiry date for the by-law in accordance with the Planning Act.

7.3.2 Notwithstanding the other policies of this Plan, temporary uses may be permitted in the Municipality. Council, before passing a by-law to permit a temporary use, shall be satisfied that those of the following requirements which are relevant to the specific application, are, or will be, fulfilled in order to safeguard the wider interest of the general public;

- (a) That the proposed development or redevelopment is, in fact, temporary in nature;
- (b) That the proposed use will be compatible with adjacent uses;
- (c) That the size of the parcel of land or building to be used is appropriate for the proposed use;
- (d) The municipal services are sufficient;
- (e) That items such as noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity be considered to ensure that the impact of any such use will not be detrimental to adjacent uses or the wider community;
- (f) That where necessary, neighbouring uses will be protected by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings, structures or uses, devices and measures to reduce nuisances and regulations for alleviating adverse effects caused by such features as lighting or advertising signs; and
- (g) That the by-law will establish suitable regulations in regard to setbacks, lot coverage, parking and other such items as may be required.

7.4 INTERIM CONTROL BY-LAWS

- 7.4.1 Council may pass interim control by-laws in accordance with the provisions of the Planning Act. The Planning Act permits the passing of by-laws to prohibit the use of land, buildings or structures within the Municipality or within a defined area for, or except for, such purposes as may be set out in the by-law. The purpose of such a by-law is to prevent development or redevelopment until a review or study can be undertaken in respect to the land use planning merits of any use or proposal.

7.5 PUBLIC PARTICIPATION

- 7.5.1 The Township will provide opportunities for public participation in the development, implementation and monitoring of Township planning policies and projects in accordance with this Plan, the Planning Act, the Environmental Assessment Act, and other relevant legislation. The Township will use innovative approaches to involve the community when considering changes to this Plan.
- 7.5.2 The Township will co-operate with the County in public participation programs during the processing of related amendments to the County Official Plan or this Plan.
- 7.5.3 In public participation programs associated with amendments to this Plan or the five year review of this Plan, the Township will endeavour to:
- (a) Establish realistic objectives and timelines for public participation programs;
 - (b) Solicit public input through the Township's public participation programs;
 - (c) Demonstrate how comments from the public have been considered in the development of planning policy and decisions; and,
 - (d) Ensure that the public participation process is sufficiently flexible to allow for changes as necessary.

7.6 SITE PLAN CONTROL

- 7.6.1 The Planning Act permits a Municipality to require, as a condition of development or redevelopment, a site plan and agreement setting out the various aspects and conditions of development. The Planning Act requires that proposed site plan control areas be shown or described in the Official Plan. The following policies identify those areas or uses proposed to be

subject to site plan control in the Township of Tay.

7.6.2 The general objectives of site plan control are:

- (a) To protect existing adjacent uses from new development where it is likely that the new use would have a detrimental impact either visually or physically on the existing use or uses;
- (b) To ensure adherence to proper development standards and to encourage aesthetic design and proper landscaping;
- (c) To ensure the safe and efficient movement of both vehicular and pedestrian traffic as it relates to the development and surrounding area;
- (d) To ensure the granting of any required easements to the Municipality for maintenance or improvement of drainage works, watercourses, public utilities, roadways and similar undertakings;
- (e) To ensure proper grading, storm drainage and maintenance in regard to surface water and public utilities; and
- (f) To control the placement of buildings and related site facilities.

7.6.3 Where, in this Official Plan, an area is proposed as a site plan control area or the policies state that development may be subject to site plan control, Council shall pass by-laws designating the whole or part of such an area as a site plan control area.

7.6.4 All areas or lots which are used for a non-conforming use are proposed site plan control areas. The designations and land uses where Council may, as a condition of development or redevelopment, require a site plan agreement are as follows:

- Mobile Home Residential
- Village Commercial
- Marine Commercial
- Highway/Service/Tourist Commercial
- Light Industrial/Commercial
- Extractive Industrial
- Institutional
- Open Space
- All Commercial and Industrial uses
- Amendment to the Zoning By-law requiring an exception zoning

7.6.5 All townhouses, row houses, or apartment building uses shall also be included as proposed site plan control areas in accordance with the relevant policies of this Plan. This policy may apply regardless of the number of dwelling units included in a development.

7.7 EXTENSIONS OR ENLARGEMENTS OF NON-CONFORMING USES

7.7.1 Nothing in this Plan shall interfere with the continuation of a land use which is legally existing at the date of approval of this Plan or previous Plans of the Municipality.

7.7.2 Any land use existing at the date of approval of this Plan that does not conform with the land use designations as shown on the map schedules to this Official Plan or the policies related thereto, as a general rule, should cease to exist in the long run. In special instances, however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship.

7.7.3 Any application, in accordance with the Planning Act, for the extension or enlargement of a use which does not conform to the implementing zoning by-law, (hereinafter called a non-conforming use), and which existed at the time of passing of such by-law, shall be dealt with in the following manner.

7.7.4 Council may determine the feasibility of acquiring the property concerned at the time of application or possibly at some future date and of holding, selling, leasing or redeveloping the property in accordance with the provisions of the Planning Act. Special attention will be given to the chances for the re-establishment of the use under consideration in a different location where it would be able to perform and produce under improved conditions in accordance with the policies of this Official Plan.

7.7.5 Council or Committee, before granting approval shall be satisfied that those of the following requirements which are relevant to the specific application for the extension or enlargement of the non-conforming use are, or will be, fulfilled in order to safeguard the wider interests of the general public.

- (a) The proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan and the requirements of the zoning by-law applying to the area;
- (b) The proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the implementing zoning by-law;

- (c) An application which would affect the boundary of different land use designations on the Land Use Plan will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the flexibility policies of Section 8 of this Plan without the need for an amendment. Any major boundary adjustments will require an amendment to the Official Plan;
- (d) The characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity. No amendment to the implementing by-law shall be passed which would significantly increase the incompatibility of the use with the surrounding area;
- (e) The neighbouring conforming uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area;
- (f) Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions especially in proximity to intersections;
- (g) Adequate provisions have been, or will be made for off-street parking and loading facilities; and
- (h) Applicable municipal services such as storm drainage, water supply and roads are adequate or can be made adequate.

7.8 RECOGNITION OF NON-CONFORMING USES

7.8.1 In special circumstances, uses of land which exist at the date of adoption of this Plan may be deemed to conform with the intent of this Plan for the purposes of the General Zoning By-law. Such uses may be zoned in accordance with their present use and performance standards, provided:

- (a) The zoning will not permit any significant change of use or performance

standard that will aggravate any situation detrimental to adjacent complying uses;

- (b) They do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
- (c) They do not pollute air and/or water to the extent of interfering with the ordinary enjoyment of property; and
- (d) They do not interfere with the desirable development or enjoyment of the adjacent area.

7.9 FINANCIAL RESTRICTIONS

7.9.1 The ability of the Township to finance public services is dependent upon property taxes and related to the type of development that occurs. Future development will be regulated under this Plan to ensure that the level of expenditure and debt, as compared to revenue and assessment, is maintained at equitable levels. More particularly the Township may:

- (a) Restrict residential development if the amount of this causes an imbalance in the assessment ratio; or
- (b) Delay any proposed development where it becomes necessary to carry out large scale public works in order to adequately serve said development and which cannot be adequately financed.
- (c) Conduct the required study and pass a by-law under the Development Charges Act to set and establish the required development charges relating to the forecasted growth related capital projects for the Township.

7.10 DETAILED PLANS

7.10.1 Prior to issuing building permits, amending the General Zoning By-law, approving subdivision or other matters for which the Municipality is responsible, the Township shall be satisfied that all necessary approvals have been obtained. The developer, when proposing major developments shall provide detailed plans indicating the relationship and potential effects of the proposal in relation to existing development and shall identify the locations of specific land uses by lot, parcel or building, right-of-ways, density of development and similar design elements. In addition, the developer shall identify and give consideration to the use of the lands in the vicinity of the proposal and their potential adverse effects upon his proposed development.

The developer shall attempt to reduce these effects as far as possible through appropriate design.

- 7.10.2 The developer may be requested to provide supplementary information relating to servicing, access and similar factors as may require the approval of local, County and Provincial agencies.

7.11 CONSTRUCTION OF PUBLIC WORKS

- 7.11.1 It is intended that the construction of public works within the Township shall be carried out in accordance with the policies of this Plan.

7.12 CAPITAL WORKS PROGRAM

- 7.12.1 It is intended that this Plan will enable the Municipality to prepare and adopt successive five year capital works programs based upon the policies of this Plan.

7.13 OFFICIAL PLAN REVIEW AND HOUSEKEEPING AMENDMENTS

- 7.13.1 There shall be a special public meeting of Council every five years with the first such meeting taking place approximately five years after approval of this Plan. The meeting will be held in accordance with the provisions of the Planning Act for the purpose of determining the need for a revision of the Plan.
- 7.13.2 The above section does not preclude Council from undertaking a review of this Plan or any of its policies at any time as conditions warrant.
- 7.13.3 An Amendment to this Plan shall not be required to correct typographical errors or errors or omissions in formatting, grammar, and/or numbering which do not effect the substantive content of this Plan.

7.14 DRAFT APPROVAL OF SUBDIVISION PLANS

- 7.14.1 Where a subdivision plan has received draft approval and final registration has not taken place within two years of the date of draft approval, Council may request the approval Agency to withdraw the draft approval.

7.15 COMMUNITY IMPROVEMENT AND PROPERTY STANDARDS

- 7.15.1 It shall be a policy of this Plan to provide for, through the use of a maintenance and occupancy by-law, a minimum standard for the maintenance and occupancy of all buildings, yards, etc. Further it shall be the policy of this Plan that the Township will consider establishing a comprehensive program of

preservation/rehabilitation/ redevelopment so that the quality of buildings and facilities in the Municipality remains stable and constant. To implement this policy, the Township may pass by-laws designating certain areas as community improvement areas. These areas shall be established based on the objectives listed below. In addition to designating areas, the Township would prepare community improvement plans which will outline the facilities improvements required so that the quality of life in the community is maintained.

7.15.2 The following objectives shall be considered when establishing Community Improvement Areas:

- (a) Reduce or perhaps eliminate deficiencies in municipal, social, recreation and physical facilities and therefore maintain the quality, safety and stability of the community;
- (b) Guide and prioritize the spending of municipal and provincial funds in regard to community improvements;
- (c) Encourage, support and aid in the co-ordination of private efforts to rehabilitate/redevelop property, which will have a positive impact on the stability of the community;
- (d) Improve existing recreation and social services, and construct new facilities having regard to the recommendations of the Culture and Recreation Master Plan;
- (e) Stabilize and/or improve the property and business tax bases in commercial and industrial areas by upgrading municipal services and therefore stimulating private investment; and,
- (f) Improve the existing transportation deficiencies as outlined in the Road Needs Plan.