

19.

IMPLEMENTATION

INTRODUCTION

The following Chapter outlines the means through which the objectives and policies of the Plan will be implemented. Implementation of the Plan will occur through the use of area studies, guideline documents, zoning, subdivision control, site plan control, demolition control, the co-ordination of affected agencies and groups, and other means available to Council through the authority given to it by the Planning Act, the Municipal Act, and other statutes. In addition to these implementation tools, a continuous monitoring of key trends and indicators, periodic policy review, and Official Plan amendments as warranted, will be used to ensure that the Plan remains responsive to development pressures and changing conditions.

19.1.

INTERPRETATION

The following policies are intended to provide guidance in the interpretation and understanding of the policies, objectives, and Schedules of the Plan.

19.1.1.

The objectives and policies contained in the Plan are intended to assist in the achievement of the purposes of the Official Plan, as described in Chapter 1. It is intended that the interpretation of these policies should allow for a limited degree of flexibility according to the following provisions:

Boundaries
Between
Land Use
Designations

i) The boundaries between land use designations as shown on Schedule "A" - the Land Use Map, are not intended to be rigid, except where they coincide with physical features (such as streets, railways, rivers or streams). The exact determination of boundaries that do not coincide with physical features will be the responsibility of Council. Council may permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable. Where boundaries between land use designations do coincide with physical features, any departure from the boundary will require an Official Plan amendment.

Delineation of
Flood Plain,
Environmental
Features

ii) The delineation of the flood plain fill and erosion lines and environmental features as shown on Schedule "B" - Flood Plain and Environmental Features, is not intended to be precise delineation of the flood plain and fill regulated areas shall be as shown on the flood plain and fill line mapping available through the appropriate Conservation Authority. The 100 Year Erosion Line is more accurately shown on mapping available through the City of London Planning and Development Department. The precise delineation of other environmental features shall be determined through area studies or environmental impact studies undertaken in conformity with the policies of this Plan.

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

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| Numbers | iii) Minor variations from numerical requirements in the Plan may be permitted by Council without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained. |
| Examples of Permitted Uses | iv) Where lists or examples of permitted uses are provided in the policies related to specific land use designations, they are intended to indicate the possible range and types of uses to be considered. Specific uses which are not listed in the Plan, but which are considered by Council to be similar in nature to the listed uses and to conform to the general intent and objectives of the applicable land use designation, may be recognized as permitted uses in the Zoning By-law. |

**19.1.2.
Uses Permitted
in all Land Use
Designations**

The following structures and facilities associated with public services and utilities may be permitted in all areas of the City outside of the flood plain or environmentally significant areas, as shown on Schedule "B" - Flood Plain and Environmental Features:

- i) All municipal sewer, water and drainage works.
(Clause i) replaced by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- ii) Hydro-electric power facilities which are intended to serve the surrounding area only.
(Clause ii) replaced by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- iii) Natural gas pipelines.
- iv) Telecommunications works and transmission lines serving the immediate surrounding area.
- v) Public streets.
- vi) Railway lines.
- vii) Fire halls.
- viii) Public parks and recreational facilities.
- ix) Small scale sites for municipal works operations and storage.

The use of floodplain lands and Environmentally Significant Areas for structures and facilities associated with public services shall be subject to the applicable policies of Chapter 15.

(Subsection 19.1.2 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

19.2.

SECONDARY PLANS AND GUIDELINE DOCUMENTS

Area studies (also known as community plans and area plans) and guideline documents may be used to assist in the implementation and refinement of the Plan. Secondary Plans allow for the development of Official Plan policies for a specific area that may be more detailed than the general policies of this Plan. Guideline documents assist in the

implementation of policies by providing more detailed criteria that have general application to the control of development. Guideline documents do not form part of the Official Plan and are not to be regarded as having Official Plan status. (OPA #476)

(Section 19.2. amended by OPA 438 Dec. 17/09)

19.2.1. Secondary Plans

Council may direct that a Secondary Plan be prepared if the land use characteristics of a specific area, and sit potential for development or change, warrant a review, refinement, or elaboration of Official Plan policies. (OPA #476)

Purpose

- i) A Secondary Plan/community plan/area plan may be developed to provide Official Plan policies to be used in the review of development proposals and as the basis for zoning by-law amendments for a specific area. Secondary Plans may also be developed to provide Official Plan policies to implement a vision or design concept for a specific area, and provide a greater level of detail than the general policies of the Official Plan. A Secondary Plan may include a Land Use Schedule for the specific area. Examples of area that may warrant the preparation and adoption of a Secondary Plan include:

(Clause i) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
(OPA #478)

- (a) older industrial areas that are subject to pressures for expansion or transition to other types of land use;
- (b) commercial districts that are subject to land use transition and compatibility issues;
- (c) areas that require a co-ordinated approach to subdivision development;
- (d) residential neighbourhoods that are experiencing pressure for conversion, infill development, or redevelopment to a higher intensity of use;
- (e) residential areas where detailed planning is required to maintain residential stability and character, and to improve neighbourhood amenities;
- (f) areas that may be subject to substantial change as the result of a proposed major development;
- (g) areas that have been designated as Heritage Conservation Districts; and
- (h) areas, in whole or in part, that have been designated

"Planning Areas" on Schedule "D".

(Sub-clause (h) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23) (OPA #476)

(Subsection i) amended by OPA 438 Dec. 17/09)

Content

- i) A secondary plan will normally consist of policies and/or Schedules that provide a more detailed approach to land use planning matters than are contained in the general policies of this Plan for the Secondary Plan area. Among the matters that may be addressed in the policies of the Secondary Plan are land use mix and compatibility, road alignments, municipal services, minimum and maximum, public and private utilities, residential densities, road access points, location of parks and community facilities, buffering concerns, location of pedestrian and bicycle routes, building conditions urban design, the natural heritage system and the suitability of existing development requirements. (OPA #476)
(Amended by OPA 438 Dec. 17/09)
(Amended by OPA 438 Dec. 17/09)

Where a need for affordable housing has been identified, completed area studies may require up to 25 percent of the new housing units to be in forms other than single detached dwellings as per the policies of 12.2.2. i) of this Plan.
(Added by OPA 438 Dec. 17/09)

The purpose of including an environmental component into the Area Study is to complete the necessary field studies and technical analysis to define the environmental conditions at a tributary level, identify significant natural areas and provide for the implementation of the Natural Heritage System Policies of this Plan. The environmental component should have regard for the applicable Subwatershed Plan and:

- (a) undertake field studies and technical analysis as determined by the City and authorized agencies;
- (b) detail best management practices for stormwater management to be undertaken at the tributary level;
- (c) identify opportunities for rehabilitating and enhancing the Natural Heritage System; and
- (d) where appropriate, address the requirements for Environmental Impact Studies as described in Section 15.5.
(Clause ii) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- (e) the policies regarding infrastructure within the Natural Heritage System as described in Section 15.3.3. of the Official Plan. (OPA #476)

Status

- ii) A Secondary Plans will be adopted by resolution of Council and will be used as a guideline for the review of development applications and for the planning of public facilities and services in the subject area. It may also provide the basis for an amendment to the Official Plan and/or Zoning By-law if the recommendations of the study suggest that a change or refinement in policies, land use designations, or zoning regulations, is appropriate.

The Secondary Plan may include a Land Use Schedule to depict land use designations specific to the Secondary Plan area. (OPA #476)

Public Participation and Review

- iii) A Secondary Plan, including any Land Use Schedule prepared for the Secondary Plan, shall be adopted as an amendment to this Plan, and added to this Plan in Section 20 – Secondary Plans. Where there is a conflict between the general policies of this Plan and the Secondary Plan, or any schedule of this Plan and any Schedules of the Secondary Plan, the policies and Schedules of the Secondary Plan shall prevail.

Council may permit minor modifications to the Land Use Schedule of the Secondary Plan without amendment to the Land use Schedule if the general intent of the Secondary Plan is maintained, and the change is advisable and reasonable.

A project contemplated and studied as part of the secondary planning process, and that meets the intent and fulfills the requirements of the Class Environmental Assessment may be considered as a Schedule A, under the Municipal Class Environmental Assessment. Such projects may be approved through the adoption of the Secondary Plan. (OPA #476)

19.2.2. Guideline Documents

Council may adopt guideline documents to provide detailed direction for the implementation of Official Plan policies. Guideline documents proposed pursuant to these policies and adopted by Council, shall be added to the list in Section 19.2.2.ii). Provincial guideline documents are also used in the implementation of Official Plan policies.
(Section 19.2.2. amended by OPA 438 Dec. 17/09)

Purpose

- i) Guideline documents will be initiated by Council and may contain policies, standards, and performance criteria that are either too detailed, or require more flexibility, in interpretation or implementation, than the Official Plan would allow. Depending on the nature of the guideline document, they will provide specific direction for the preparation and review of development proposals, the identification of conditions to development approval, or the planning of improvements to public services and facilities.

Content

- ii) Guideline documents may be adopted by Council to assist with the implementation of any aspect of the Official Plan. In particular, guideline documents shall be adopted to assist with the implementation of any aspect of the Official Plan for the following, but are not limited to the following:
(Clause ii) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
 - (a) Site Plan Control Guidelines;
 - (b) Subdivision Design Guidelines;

- (c) Road Access Guidelines;
- (d) Noise and Vibration Attenuation Guidelines;
- (e) Master Drainage Plans;
- (f) Stormwater Management Guidelines;
- (g) Erosion Control Guidelines;
- (h) Conservation Master Plans for Environmentally Significant Areas;
- (i) Urban Design Guidelines;
- (j) The City of London 2005 Inventory of Heritage Resources;
(Amended by OPA No. 413 approved 07/07/23)
- (k) Descriptions of Potential Heritage Conservation Districts;
- (l) Subwatershed Planning Studies;
(Sub-clause (l) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- (m) Ecological Buffers and Development Setback Guidelines;
(Sub-clause (m) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
(Amended by OPA 438 Dec. 17/09)
- (n) Environmental Management Guidelines;
(Sub-clause (n) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- (o) Guidelines for the identification of Cultural Heritage Landscapes; and
- (p) Cultural Heritage Landscape Guidelines.
(OPA No. 269 - approved 03/02/17)
- (q) Bicycle Master Plan
(OPA No.368 - approved 05/10/3)
- (r) Old East Heritage Conservation District Plan and Guidelines.
(OPA No. 390)
- (s) Guideline Document for the Evaluation of Ecologically Significant Woodlands (March 2006) (OPA No. 401)
- (t) Sunningdale North Area Plan. (OPA No. 410)
- (u) West Woodfield Heritage Conservation District Plan and Guidelines (OPA #446)
- (v) Dingman Drive (Industrial) Area Plan (OPA 451)
- (w) Dingman Drive Industrial Area – Urban Design Guidelines

- (x) (OPA #451)
City of London Placemaking Guidelines – November 2007
(OPA 452)
- (y) W12A Landfill Area Plan (OPA 462)
- (z) Environmental Impact Study Guidelines;
- (aa) Environmentally Significant Area Identification and Boundary Delineation Guidelines;
- (ab) Significant Woodland Evaluation Guidelines;
- (ac) Plant Selection Guidelines for Environmentally Significant Areas, Natural Heritage Areas and Buffers;
- (ad) Community Energy Plan;
- (ae) Sustainable development and green building initiatives;
- (af) Transportation Master Plan;
- (ag) Transportation Impact Study Guidelines;
- (ah) Access Management Guidelines;
- (ai) Facility Accessibility Design Standards;
- (aj) Tree Preservation Guidelines; and
- (ak) Small Lot Subdivision Design Guidelines.
(Clauses (z) to (ak) added by OPA 438 Dec. 17/09 and renumbered under Section 19.12.8. i) of the Official Plan)

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| Status | <ul style="list-style-type: none"> iii) Guideline documents will be adopted by resolution of Council. Development proposals shall be reviewed to determine their conformity with the provisions of any applicable guideline document and conditions may be imposed upon the approval of the development. Council may allow a reduction, change, or waiver of the provisions of a guideline document if it is of the opinion that such action is warranted and that the general intent of the Official Plan will be maintained. |
| Public Record | <ul style="list-style-type: none"> iv) A record will be maintained of the guideline documents (and any associated modification) that have been adopted by Council under Section 19.2.2. Copies of all adopted guideline documents will be made available and accessible to the members of the public.
<small>(Clause iv) added by OPA 438 Dec. 17/09)</small> |
| Public Participation and Review | <ul style="list-style-type: none"> v) The preparation of a guideline document will include provisions to encourage input from agencies, associations, and individuals that have an interest in the subject matter. Before adopting a guideline document, Council will hold a public meeting to provide for input from interested parties.
<small>(Clause v) renumbered by OPA 438 Dec. 17/09)</small> |

19.3.

OFFICIAL PLAN AMENDMENTS, REVIEW, AND MONITORING

The Official Plan is intended to provide guidance for the distribution, development, and control of land use in the City of London to the year 2016. To ensure the continued relevance of the Official Plan in view of changing demographic, economic, technological, social, and environmental conditions during this time frame, it is important that the Plan incorporate some method of addressing change.

(Section 19.3 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

**19.3.1.
Official Plan
Amendments**

Council may initiate amendments to the Official Plan, to address any of the following circumstances:

- i) Council has determined that the assumptions and conditions on which policies were based have changed to the extent that the policies are no longer appropriate.
- ii) Existing Official Plan policies have been refined through further study, or the completion of an area study, as described in policy 19.2.1.

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

**19.3.2.
Public
Participation**

Council will provide for consideration by the public of proposals for Official Plan amendment, in accordance with the provisions of Section 19.12., regarding public participation.

**19.3.3.
Official Plan
Review**

Council shall, not less frequently than every five years after the Official Plan comes into effect, undertake a review of the Official Plan, hold a special meeting open to the public and revise the plan, as required, in accordance with the requirements of the *Planning Act*. The revisions shall ensure that the Official Plan conforms with provincial plans, has regard to matters of provincial interest, and is consistent with the policy statements issued under subsection 3(1) of the *Planning Act*.

(Amended by OPA 438 Dec. 17/09)

**19.3.4.
Official Plan
Monitoring**

Council shall monitor the continued relevance of the policies and objectives of the Official Plan to identify the need for Official Plan amendment or review.

**Monitoring
Factors**

- i) An ongoing monitoring program shall include but not be limited to the review of such factors as: population, land use and development trends; economic conditions; housing requirements; the supply, demand, and availability of land for various categories of land use; the preservation of agricultural lands; the implementation of the City's Natural Heritage System and other environmental objectives and policies; water quality and quantity; air quality; the impacts of climate change; the adequacy and availability of municipal services and facilities; the adequacy of existing and planned transportation facilities; the applicability of various government assistance programs; and negative impacts attributable to the implementation of any policy of the Plan.

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

19.4. ZONING

The Zoning By-law regulates the use of land, and the character, location, and use of buildings and structures in the City.

19.4.1. Zoning Regulations

The Zoning By-law shall contain regulations to control the amount or type of development with respect to matters such as the following:

- i) Permitted uses.
- ii) Location of uses.
- iii) Minimum lot areas and dimensions.
- iv) Minimum and maximum floor areas.
- v) Siting of development on a parcel of land in terms of minimum setbacks from property lines.
- vi) Maximum lot coverage, or that portion of a site occupied by a building or structure.
- vii) Minimum and maximum density of residential land use measured as ratios of dwelling units per hectare.
(Amended by OPA 438 Dec. 17/09)
- viii) Minimum and maximum density of commercial and other land uses measured as floor area ratios, for example, the gross floor area divided by the lot area.
(Amended by OPA 438 Dec. 17/09)
- ix) Minimum and maximum height of a building or structure.
(Amended by OPA 438 Dec. 17/09)
- x) Minimum requirements for parking and loading areas.
- xi) Minimum requirements for landscaped open space.

19.4.2. Urban Reserve

An "Urban Reserve" zone may be applied on an interim basis to large areas of undeveloped land that are likely to develop by way of residential plan of subdivision, or to areas where development is not anticipated to occur for a considerable length of time. An Urban Reserve zone shall permit only existing uses. Rezoning for additional uses will be considered at the time of subdivision approval, upon the adoption of an area study, or upon receipt of development proposals that conform to the Official Plan.

19.4.3. Holding Zones

The Zoning By-law may contain holding provisions in accordance with the *Planning Act*. Lands subject to these provisions shall be identified by the holding symbol "h" preceding the zone symbol on the map. The use(s) of land, buildings, or structures that are permitted when the holding symbol is removed shall be specified in the Zoning By-law.

- Purpose i) Holding provisions may be used to ensure that necessary servicing features or municipal works are in place prior to development; to protect environmentally significant areas or specific natural features from adverse impacts; to ensure that floodproofing measures are being incorporated into a development; to ensure that bank stabilization and other erosion protection measures are in place prior to development; to allow mitigating measures to be applied to development which may experience negative impacts from transportation and utility corridors, landfill sites, methane gas sites, sewage treatment plants, or adjacent industrial uses or extractive areas; to allow mitigating measures to be applied to development which will have an impact on street level winds in the Downtown Area; to ensure that the values, attributes and integrity of protected heritage properties are retained; or to ensure that development takes a form compatible with adjacent land uses so that issues identified as a condition of approval can be implemented.
(Clause i) amended by OPA 438 Dec. 17/09)
- Application ii) Holding provisions will be applied only where there is a need for additional conditions that cannot be applied on a rezoning basis, or through the Site Plan Control By-law.
- Removal iii) The Zoning By-law will be amended to remove the holding symbol when Council determines that the conditions relating to the appropriate purpose as set out in the By-law have been met.

Such conditions may include, but are not limited to, the satisfying of certain financial and servicing requirements of the municipality, and the signing of site plan or subdivision agreements, or any other necessary agreements under the provisions of the *Planning Act*.
- Public Notification iv) The public notification policies of Section 19.12. shall not apply to the removal of the holding symbol. A notice of Council's intent to remove the holding symbol shall be given in accordance with the requirements of the *Planning Act* and associated Regulations. A meeting shall be held at Planning Committee no sooner than seven days after the requirements for giving notice have been complied with. Council may direct that public notification and a public meeting be held at the site plan approval stage to assist in encouraging the integration of new development with adjacent land uses.
(Clause iv) amended by OPA 438 Dec. 17/09)
- Interim Uses v) Interim uses permitted in a holding zone may be limited to existing uses that will be compatible with the ultimate use of the land, and certain other uses that may also be compatible. Permitted interim uses shall be stipulated in the Zoning By-law.

**19.4.4.
Bonus Zoning**

Under the provisions of the *Planning Act*, a municipality may include in its Zoning By-law, regulations that permit increases to the height and density

limits applicable to a proposed development in return for the provision of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as bonus zoning, is considered to be an appropriate means of assisting in the implementation of this Plan.

Principle

- i) The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.

Objectives

- ii) Bonus Zoning is provided to encourage development features which result in a public benefit which cannot be obtained through the normal development process. Bonus zoning will be used to support the City's urban design principles, as contained in Chapter 11 and other policies of the Plan, and may include one or more of the following objectives:
 - (a) to support the provision of the development of affordable housing as provided for by 12.2.2.
 - (b) to support the provision of common open space that is functional for active or passive recreational use;
 - (c) to support the provision of underground parking;
 - (d) to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;
 - (e) to support the provision of, and improved access to, public open space, supplementary to any parkland dedication requirements;
 - (f) to support the provision of employment-related day care facilities;
 - (g) to support the preservation of structures and/or districts identified as being of cultural heritage value or interest by the City of London, in consideration for their designation under the *Ontario Heritage Act*;
(Clause (g) amended by Ministry Mod. #63 Dec. 17/09)
 - (h) to support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit;

(i) to support the preservation of natural areas and/or features; and

(j) to support the provision of design features that provide for universal accessibility in new construction and/or redevelopment.

(Clauses (i) and (j) added by OPA 438 Dec. 17/09)

Implementation iii) The Zoning By-law may contain bonus zoning provisions for all forms of development. These provisions will describe the facilities, services or matters that qualify for the density bonus provisions and the extent of the height and density increases that will be received.

The Zoning By-law will include bonusing for the provision of day care facilities located in commercial or mixed-use buildings of larger than 1,858 square metres (20,000 square feet) in size by excluding the amount of floor space which is devoted to day care from the floor area ratio calculation. The amount of floor space devoted to day care will also be excluded from the calculation of parking requirements for the building.

The Zoning By-law will include bonusing for the provision of transit amenities or facilities provided on-site to a proposed development. The amount of bonus to be provided will be determined by the Zoning By-law based on the type or types of transit amenities or facilities provided in the development.

(Clause iii) amended by OPA 438 Dec. 17/09)

Agreements iv) As a condition to the application of bonus zoning provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the City, to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the height or density bonus to be given.

**19.4.5.
Temporary Use
By-laws**

Provided the general intent and purpose of the Official Plan are maintained, Council may pass by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years, in accordance with the provisions of the *Planning Act*.

Enacting Provisions In enacting a Temporary Use By-law, Council shall have regard for the following matters:

(a) compatibility of the proposed use with surrounding land uses;

(b) any requirement for temporary buildings or structures in association with the proposed use;

- (c) any requirement for temporary connection to municipal services and utilities;
- (d) the potential impact of the proposed use on transportation facilities and traffic in the immediate area;
- (e) access requirements for the proposed use;
- (f) parking required for the proposed use, and the ability to provide adequate parking on-site; and,
- (g) the potential long-term use of the temporary use.

19.5. NON-CONFORMING USES

This Section pertains to legally-established uses that do not conform to the land use designations and policies of the Official Plan and Zoning By-law. It is neither practical nor appropriate to adopt land use designations and policies that will recognize as permitted uses, all of the land uses in existence, or permitted by existing zoning, at the time of the adoption of the Plan. While the general approach to uses that do not conform to the Official Plan is to encourage their transition to, or replacement by, conforming uses, consideration must also be given to their varying degrees of acceptance and stability and to the hardship that may result if no provision is made for their extension or enlargement.

19.5.1. Recognition in the Zoning By-law

A legally established land use which does not conform to the Plan may be recognized as a permitted use in the Zoning By-law where Council is of the opinion that:

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| Hazardous Substances | i) The use does not involve hazardous activities or substances that threaten the safety of the surrounding area. |
| Pollution | ii) The use does not contribute to air or water pollution problems. |
| Compatibility | iii) The use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, and does not interfere with the development of conforming uses in the surrounding area. |
| Maintenance of Existing Role | iv) The long-term continuation and any potential expansion of the use will not detract from the general intent of the Official Plan. |
| Amendments | v) Recognition of the use in the Zoning By-law is not likely to result in proposals to amend the Plan to allow similar types of uses. |

19.5.2. Uses

A use which does not conform to the Official Plan, but is recognized as a permitted use in the Zoning By-law, may be allowed to expand or enlarge

Non-Conforming to the Official Plan without the need for an Official Plan Amendment provided the expanded use can meet the following criteria:

- Nuisances i) The expansion will not add to any air, noise or water pollution problems and does not involve hazardous activities or substances that threaten the safety of the surrounding area.

- Compatibility ii) The expanded use will continue to achieve an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, and does not interfere with the development of conforming uses in the surrounding area.

- Maintenance of Existing Role iii) The expansion will not detract from the general intent of the Official Plan for the development of the area.

- Planning Impact Analysis iv) Any expansion or enlargement which increases the required site area of the non-conforming use will be subject to a zone change application and review under the policies of this Plan, including the relevant provisions for Planning Impact Analysis.

19.5.3. Conforming to the Official Plan and Zoning By-law A use which does not conform to both the Official Plan and the Zoning By-law should, over the long term, cease to exist, or relocate to an area where it will conform to the Plan.

- Expansion or Enlargement i) Notwithstanding the general intent of this policy, there may be instances where, to avoid unnecessary hardship, it is desirable and appropriate to allow the expansion or enlargement of a use that does not conform to the Official Plan and Zoning By-law or to allow a change in the use to a similar or more compatible type of activity. Under the provisions of the *Planning Act*, a proposal to allow the expansion or enlargement of a legal non-conforming use, or to allow a change in a legal non-conforming use may be considered by way of an application to the Committee of Adjustment. Matters to be considered by the Committee in the consideration of such applications are described in policy 19.8.2.

- Termination or Relocation ii) Where a non-conforming use is clearly incompatible with, or hazardous to adjacent uses, is associated with some form of blight in the surrounding area, or otherwise interferes with the implementation of the Plan, Council may acquire the property to terminate the use or may exchange land to provide for the relocation of the use to a more appropriate area.

19.6. SUBDIVISION OF LAND

(Section 19.6 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

The process of subdividing land into lots and blocks for various land uses is governed by the Planning Act. Authority for the approval of subdivisions has been delegated by the Province to the Council of the City of London.

**19.6.1.
Subdivision
Review Criteria**

Council will evaluate applications for plans of subdivision on the basis of criteria such as, but not limited to, the following:

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| Plan of Subdivision | i) | The plan of subdivision is consistent with the objectives and policies of the Official Plan, and any applicable area study. |
| Servicing Availability | ii) | The plan of subdivision can be serviced with available uncommitted population-equivalent reserve capacity in the water and sewage treatment systems, and without requiring an undue financial commitment from the City. |
| Community Services Availability | iii) | The plan of subdivision can be adequately serviced with and makes suitable provision for municipal services including, but not limited to, public streets, water, storm and sanitary sewers, waste collection and disposal, public utilities, fire and police protection, parks, schools, and other community facilities.
<small>(Clause (iii) amended by OPA No. 91 - approved by MMAH 97/04/17)</small> |
| Noise Levels | iv) | The plan of subdivision will not normally be exposed to excessive noise levels or other significant adverse impacts associated with nearby industrial activities or airport operations. |
| Negative Impacts | v) | The plan of subdivision is designed to reduce any negative impact on surrounding land uses and the transportation network,
<small>(Amended by OPA 438 Dec. 17/09)</small> |
| Integration | vi) | The plan of subdivision is designed to be integrated with adjacent lands, and, if applicable, to meet the objectives of the City's guideline documents. |
| Placemaking Design Guildlines | vii) | The plan of subdivision will incorporate Placemaking design principles identified in the City of London Placemaking Guidelines as adopted under section 19.2.2. of this Plan. <small>((OPA 453)</small> |
| Energy | viii) | The plan of subdivision is designed to support optimization of the available supply, means of supplying, efficient use and conservation of energy.
<small>(Added by OPA 438 Dec. 17/09)</small> |
| Tree Protection and Street Trees | ix) | The plan of subdivision is designed to consider the need for tree preservation reports, and trees that have been identified for protection; and, consider the potential implications for street tree locations in the design of the subdivision.
<small>(Added by OPA 438 Dec. 17/09)</small> |
| Natural Heritage System | x) | The Natural Heritage System will be protected from any negative impacts associated with the plan of subdivision.
<small>(Added by OPA 438 Dec. 17/09)</small> |

**19.6.2.
Subdivision**

Council may adopt Subdivision Design Guidelines in accordance with the provisions of policy 19.2.2. regarding guideline documents, to assist in the

**Design
Guidelines**

preparation and evaluation of proposed plans of subdivision.

**19.6.3.
Draft Plan
Approval**

As a condition of draft plan of subdivision approval, the Approval Authority may require applicants to satisfy certain conditions prior to final approval and registration of the plan of subdivision, as in the opinion of the Approval Authority are reasonable, having regard to the nature of the development proposed for the subdivision. The applicant may be required to meet conditions of draft approval within a specified time period, failing which, draft plan approval may lapse. To provide for the fulfillment of these conditions and for the installation of services according to municipal standards, the Approval Authority shall require an applicant to enter into a subdivision agreement prior to final approval of the plan of subdivision.

(Subsection 19.6.3 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
(Subsection 19.6.3. amended by OPA 438 Dec. 17/09)

if an applicant has requested an extension to draft plan of subdivision approval the Approval Authority, in considering this request, may apply new conditions or amend existing conditions of draft approval, based on new or updated policies, guidelines and community standards.

(Added by OPA 438 Dec. 17/09)

**19.6.4.
Exemption from
Part-Lot Control**

In accordance with the provisions of the *Planning Act*, Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. Such exemption will eliminate the need for further subdivisions or consents to convey portions of lots within the registered plan of subdivision. Exemption from part-lot control will not be supported for the creation of a private road which serves free-hold lots.

(Subsection 19.6.4 amended by OPA No. 91 - approved by MMAH 97/04/17)

**19.6.5.
Plans of
Subdivision
Deemed Not
Registered**

Council may, by by-law, deem any part of a plan of subdivision not to be a registered plan of subdivision, subject to the provisions of the *Planning Act*.

19.7.

CONSENT AUTHORITY

In accordance with the provisions of the Planning Act, Council has delegated the authority to give consents to an officer of the municipality. The Consent Authority deals with applications, under the subdivision and part-lot control provisions of the Planning Act, for consent to the severance of the ownership or rights in use of land by sale and purchase or by mortgage, lease, or other form of agreement for a period of twenty-one years or more.

**19.7.1.
Applications for
Consent**

The Consent Authority, when dealing with an application for consent under the subdivision or part-lot control provisions of the *Planning Act*, shall be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the land. Where the proposed lot(s) and/or the use for the proposed lot(s) do not conform to the zoning by-law, a provisional consent decision may be given subject to a condition that the applicant

apply for a zoning by-law amendment or minor variance relating to the proposed consent to sever and that the decision on the zoning by-law amendment or minor variance application is in full force and effect.

(OPA #509)

Development
Consent Criteria

i) When reviewing an application for consent to create a lot(s) for development, the Consent Authority shall also consider the following criteria:

- (a) that any lot(s) to be created would conform to the provisions of the Official Plan, Zoning By-law, and any applicable area study or guideline document;
- (b) that the matters which, according to the *Planning Act*, are to be regarded in the review of a draft plan of subdivision have been taken into account;
- (c) that the size and shape of any lot(s) to be created would be appropriate for the intended use, and would generally conform to adjacent development and to any development agreements registered against the title of the subject land;
- (d) that the creation of any lot(s) would have the effect of infilling an existing developed area where the pattern of land use has been established, and would not have the effect of extending a developed area;
- (e) that the proposed lot(s) would front on, or have access to, an existing public road and would not involve the opening or extension of a public road;
- (f) that the proposed lot(s) would not unduly reduce the accessibility of abutting lands suitable for development;
- (g) that access to the proposed lot(s) would not create traffic problems or hazards and that Official Plan policies regarding road access would be complied with;
- (h) that adequate municipal services and utilities would be available;
- (i) for a consent application pertaining to lands within the Agriculture or Urban Reserve designations, that the lot to be created would conform to policy 9.2.14.; and
(Sub-clause (i) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- (j) for a consent application pertaining to natural features designated as "Open Space" or "Environmental Review" the potential impacts resulting from fragmentation of natural features corridors and linkages will be taken into consideration.
(Sub-clause (j) added by OPA No. 88 - OMB Order No. 2314 - approved

99/12/23)

- (k) that potential impacts on components of the Natural Heritage System will be addressed in accordance with the provisions of Section 15.5.

(Clause (k) added by OPA 438 Dec. 17/09)

- ii) Where individual on-site wastewater treatment systems are proposed, the Consent Authority shall also consider the following criteria:

- (a) the proposed development is consistent with the surrounding area in terms of pattern and size;

- (b) the proposed development does not represent an extension to an area for existing development on individual services; and

- (c) the proposed development would not create a precedent for future similar applications on adjacent or nearby lots.

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

Consent Criteria
for Free-Hold
Lots on Common
Element
Condominium
Roadway

- iii) All developments with free-hold lots must be served by a public street designed to acceptable standards and to the specification of the City.

The creation of a non-condominium road to serve new free-hold lots shall be prohibited. Access-ways to free-hold lots as common element condominium roadways can be supported provided it is demonstrated that it can be integrated into a plan of subdivision, it promotes efficient land utilization, and it will serve a maximum of five new free-hold lots.

The creation of a common elements condominium roadway may to serve new free-hold lots shall be discouraged, unless it is demonstrated it cannot be integrated into a plan of subdivision, it promotes efficient land utilization, it will be registered as a common elements condominium corporation, and it will serve a maximum of five new lots.

Consent for the creation of free-hold lot development on a common elements condominium roadway may be granted only if the following additional criteria are satisfied:

(Clause (iii) amended by OPA NO. 273 - approved 03/03/17)

(Clause iii) amended by OPA 438 Dec. 17/09)

- (a) the severed and retained parcels comply with the provisions of the implementing Zoning By-law;

- (b) adequate municipal services be available or be provided to the property limit of the development;

- (c) the private common element services within the

development connect to available adequate municipal services on a public street;

- (d) the applicant enter into an agreement with the City to address servicing and other development issues;
- (e) there is provision for a safe and dry access for all lots involved;
- (f) the common element roadway is not needed to create local public road connections to existing developed lands or undeveloped lands in the future, based on good land use planning principles;
(amended by OPA No. 273 - approved 03/03/17)
- (g) the common element roadway has an adequate width to accommodate the traveled portion of road, boulevards and services for its use, construction and maintenance to permit safe vehicular movements, and has an adequate turning facility of sufficient area to accommodate emergency, delivery and maintenance vehicles consistent with the "Site Plan Control By-law and Policies".
(amended by OPA No. 273 - approved 03/03/17)
(Clause (g) amended by OPA 438 Dec. 17/09)
- (h) the agreement shall identify, the numbering of units and signage indicating a private roadway, all subject to the approval of the General Manager of Planning and Development;
(amended by OPA NO. 273 - approved 03/03/17)
(Clause (h) amended by OPA 438 (Dec. 17/09)
- (i) the agreement shall specify that garbage pick-up will be from a central location pad located adjacent to the public street which is easily accessible for the City garbage collection vehicles;
(amended by OPA NO. 273 - approved 03/03/17)
(Clause i) amended by OPA 438 Dec. 17/09)
- (j) the freehold lots dependent on the common element roadway will be rezoned to include a Holding Zone to prohibit the development of the freehold lots until a common elements condominium corporation is registered on title for the roadway; and
(added by OPA NO. 273 - approved 03/03/17)
(Clause (j) amended by OPA 438 Dec. 17/09)
- (k) private road development which does not result in a common elements condominium corporation being established is prohibited.
(Clause (k) added by OPA 438 Dec. 17/09)

(Clause (iii) added by OPA No. 91 - approved by MMAH 97/04/17)
(Clauses (a), (b), (c), (d), (e), (f), (g), (i) and (j) amended by OPA 438 Dec. 17/09)

Conditions of

iv) In granting a consent, the Consent Authority may attach conditions,

Approval

as authorized under the provisions of the *Planning Act*, including but not limited to:

- (a) the dedication of parkland or cash in-lieu-of such dedication;
- (b) the dedication of any road widenings and one foot reserves as may be required by the City;
- (c) fulfillment of any financial requirements of the City;
- (d) a servicing agreement between the land owner and the City pertaining to any extension or upgrading of municipal services required by the City to accommodate the development of a lot created by consent; and
- (e) submission of a registered reference plan to the Consent Authority.
- (f) that the owner of the land enter into one or more agreements with the City dealing with such matters as the Consent Authority may consider necessary. Such agreement(s) may be registered against the land to which it applies and the City is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.
(Clause (f) added by OPA 438 Dec. 17/09)
- (g) confirmation that any corresponding zoning by-law amendment or minor variance application has been dealt with and is in full force and effect.
(OPA 509)

COMMITTEE OF ADJUSTMENT

In accordance with the provisions of the Planning Act, Council has appointed a Committee of Adjustment to deal with the following matters:

- (a) *applications to allow a minor variance from the provisions of the Zoning By-law or any other by-law that implements the Official Plan;*
- (b) *applications to allow the extension or enlargement of a legal non-conforming use; and*
- (c) *applications to allow a change in the use of buildings or land from a legal non-conforming use to another non-conforming use.*

19.8.1. Minor Variances

The Committee of Adjustment, when dealing with an application for minor variance, shall be satisfied that the general intent and purpose of the Zoning By-law and the Official Plan would be maintained, and that the

variance would be minor in nature and desirable for the appropriate development or use of the land, building or structure.

Criteria for Reviewing Applications

- i) When reviewing an application for minor variance, the Committee of Adjustment shall also consider the following criteria:
 - (a) that compliance with the provisions of the Zoning By-law would be unreasonable or impossible and would impose an undue hardship on the applicant;
 - (b) that the application deals with circumstances not common to the area and would not create a precedent for similar requests from other property owners;
 - (c) that the variance would not cause substantial detriment, hazard or annoyance that would detract from the character or amenity of nearby properties, and would not adversely affect the traffic and parking conditions in the area;
 - (d) that a variance adding a new use which is not substantially the same by definition, character or operation as the permitted uses, should not be allowed; and
 - (e) that a variance to extend a permitted use into an adjoining zone should allow only the minimum extension necessary to provide for the reasonable and practical use of the property, and should not hinder the reasonable development and/or use of properties in the adjacent zone.

Conditions

- ii) The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of an application for minor variance. Conditions imposed by the Committee of Adjustment may include a requirement that the owner of the land enter into one or more agreements with the City dealing with some or all of the terms and conditions if the requirement is set out in the decision. Such agreement(s) may be registered against the land to which it applies and the City is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.
(Clause ii) amended by OPA 438 Dec. 17/09)

19.8.2. Non-Conforming Uses

The Committee of Adjustment, when dealing with an application to allow an extension or enlargement of a legal non-conforming use, or a change in the use of land or a building from a legal non-conforming use to another non-conforming use, shall be satisfied that:

- (a) the use has been continuous from the day the Zoning By-law was passed;
- (b) there will be no expansion of the site or building beyond the limits

of the land owned and used on the day the Zoning By-law was passed; and

- (c) permission for the extension, enlargement or change in the non-conforming use is in keeping with the general intent of the Official Plan and with the provisions of Section 19.5; and will not aggravate those aspects of the use that do not conform to the Official Plan and Zoning By-law.

Extension,
Enlargement of
Change in Legal
Non-Conforming
Use

- i) When reviewing an application to allow an extension, enlargement, or change of a legal non-conforming use, the Committee of Adjustment shall also consider the following criteria:

- (a) that the long-term continuation of the use would be appropriate;
- (b) that the extension, enlargement or change in use is necessary to avoid undue hardship to the applicant;
- (c) that existing municipal services such as water, sewerage and roads will be adequate;
- (d) that there are adequate parking and loading facilities to accommodate the proposed use;
- (e) that the proposed extension, enlargement or change in use will not interfere with desirable development, in adjacent areas, in conformity with the Official Plan and Zoning By-law; and
- (f) that the extension, enlargement or change in use would provide for measures that will reduce nuisances, protect adjacent properties, and improve the compatibility of the use with the surrounding area.

Conditions of
Approval

- ii) The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of an application to extend, enlarge or change a legal non-conforming use.

19.9.

DEVELOPMENT CONTROL

In addition to the Zoning By-law, area studies, and guideline documents, there are other methods Council may use to implement the policies and objectives of the Official Plan. These include the enactment of by-laws dealing with specific matters such as signs, road access, site plan control, interim control, and demolition control.

19.9.1. Interim Control By-laws

Where Council has, by by-law or resolution, directed that a study be undertaken regarding its land use planning policies for the City or any defined area or areas thereof, it may pass an Interim Control By-law prohibiting the use of land, buildings or structures within the area defined

by the By-law, except for such uses as are set out in the By-law. An Interim Control By-law shall apply for a limited period of time subject to the provisions of the *Planning Act*.

**19.9.2.
Site Plan
Control**

Council shall adopt a by-law to designate the entire area within the corporate limits of the City of London as a Site Plan Control Area. All types of development or redevelopment shall be subject to Site Plan Control provisions with the exception of the operation of licensed pits and quarries, single-detached, semi-detached, or duplex dwellings, and additions or renovations thereto, except those dwellings having only one side yard, or those dwellings constructed as intensification projects considered under section 3.2.3. of this Plan.

(Section 19.9.2. amended by OPA 438 Dec. 17/09)

Development or
Redevelopment

- i) For the purposes of the Plan, development or redevelopment shall be defined as the construction, erection, or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability, or the laying out and establishment of a commercial parking lot.

Requirements

- ii) Plans showing the location of all buildings, structures, and facilities to be developed, and drawings showing plan, elevation, and cross-section views for each building to be erected, will be required as part of the site plan approval process. In accordance with section 40 of the *Planning Act*, the requirement for the submission of drawings shall also include residential buildings containing less than twenty-five dwelling units, other than those exempted from site plan control by this policy.

Objectives of Site
Plan Control

- iii) The intent of site plan control is to improve the efficiency of land use and servicing and to encourage more attractive and compatible forms of development by providing for development which:
 - (a) implements the City's urban design principles, as contained in Chapter 11;
 - (b) is functionally integrated with adjacent development to provide for compatibility of design and to minimize impacts on adjacent properties;
 - (c) has sites large enough to accommodate the required services and facilities;
 - (d) provides for the orderly and safe movement of traffic into and out of private properties with minimum interference to vehicular and pedestrian traffic;
 - (e) provides for adequate and accessible parking and loading facilities, and orderly circulation within parking areas;

(Amended by OPA 438 Dec. 17/09)

- (f) promotes safe and convenient pedestrian circulation and incorporates accessibility design standards;
(Amended by OPA 438 Dec. 17/09)
- (g) provides sufficient illumination for pedestrian security and safety, and for the enhancement of external building design and landscaped open space;
- (h) improves the aesthetics of the site, by providing for open space, screening, landscaping, and the retention of natural features;
- (i) contributes to the function of the site by incorporating, where appropriate, shared access and parking for adjacent properties, and measures to assist in the reduction of stormwater runoff;
- (j) ensures appropriate measures are undertaken to avoid negative impacts on significant natural areas and features.
(Added by OPA 438 Dec. 17/09)
- (k) Implements Placemaking design principles identified in the City of London Placemaking Guidelines as adopted under section 19.2.2. of this Plan. (OPA #453)

Matters
Addressed by
Site Plan Control

- iv) To achieve these objectives, the following matters may be addressed through site plan control:
 - (a) location, massing, and conceptual design of buildings and structures;
 - (b) location and design of vehicular and pedestrian access points;
 - (c) location and design of off-street parking and loading facilities;
 - (d) facilities for on-site pedestrian and vehicular circulation;
 - (e) road widenings, as directed by policy 18.2.7. of the Plan;
 - (f) location and design of on-site exterior lighting, landscaping, buffering, fencing, outdoor storage, and garbage disposal facilities;
 - (g) measures to minimize any loss of sunlight and privacy to adjacent properties
 - (h) location and design of outdoor recreational areas;
 - (i) location of external facilities and works;

- (j) easements over, and grading of, lands;
- (k) provisions for stormwater management and drainage;
(Sub-clause (k) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- (l) facilities designed to have regard for accessibility for persons with disabilities;
- (m) matters relating to exterior design including elements pertaining to character, scale, appearance and design features of buildings and their sustainable design;
- (n) the sustainable design elements on any adjoining highway under the City's jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- (o) provision for the City to enter into one or more agreements with applicants, to ensure that development proceeds in accordance with the matters addressed in subsection iv).
(Clauses (l) to (o) added by OPS 438 Dec. 17/09)

- Public Notification
- v) To assist in encouraging the integration of new development with adjacent land uses, Council may require public notification and a public meeting at the site plan approval stage in connection with:
 - (a) residential projects developed under the Residential Intensification provisions of Policy 3.2.3., 3.3.1.(vii) and 3.4.1.(vii) of the Plan;
 - (b) commercial or mixed-use projects in the Downtown with over 9,290 square metres (100,000 square feet) of gross leasable retail space;
 - (c) high density residential and mixed-use projects in the Office-Residential and Multi-Family, High Density Residential designations around the Downtown;
 - (d) proposals where bonus zoning may be applied to permit increases in height and density, according to the provisions of policy 19.4.4. of the Plan;
 - (e) proposals for new development in Heritage Conservation Districts established according to the policies of Section 13.3. of the Plan;
 - (f) proposals for new Regional or Community Shopping Areas, or the significant expansion of existing Regional or Community Shopping Areas;

- (g) proposals where holding provisions in the Zoning By-law stipulate that public notification and public meetings will be required at the site plan approval stage;
- (h) other situations where the location, massing, and conceptual design of new development may significantly affect the character of the surrounding area; and
- (i) vacant land condominiums and common elements condominiums.

**19.9.3.
Sign Control
By-law**

Council may prepare and adopt a Sign Control By-law for the purposes of regulating signs in accordance with the provisions of the *Municipal Act*.

**19.9.4.
Access By-law**

Council may protect the traffic carrying capacity of certain arterial roads or sections of arterial roads by designating them, by by-law, as controlled access roads. The by-law may identify categories of controlled access roads, including those to which access from abutting lands is prohibited without the consent of Council by way of by-law amendment, and others which will be subject to regulations in the by-law to control the number, location, spacing, and function of driveways providing access to, or egress from, abutting properties.

**19.9.5.
Noise, Vibration
and Safety**

The development of residential uses on lands in close proximity to the London Airport, rail lines, freeways and provincial highways, industrial, commercial or institutional uses shall have regard for potential impacts from noise, vibration and/or safety concerns and, where a proposed development does not comply with provincial guidelines for acceptable levels of noise, and/or where there is a concern over safety, mitigation measures may be required through the development approval process.
(Subsection 19.9.5 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

Noise Attenuation

- i) Excessive noise levels from airports, rail lines, high traffic volume roads, industrial, commercial or institutional uses may negatively impact residential land uses. New residential development which is expected to be exposed to noise levels which are above acceptable provincial standards will be required to incorporate noise attenuation measures into the development.
(Clause i) amended by OPA 438 Dec. 17/09)

Guideline
Document on
Noise Areas

- (a) Areas where noise levels may exceed provincial standards and measures for reducing noise levels, may be identified in a guideline document as provided for in Section 19.2.2. of this Plan. This guideline document will be developed in consultation with the Province, affected agencies, rail operators, and the public. Until a guideline document is completed, the City will rely on provincial and agency input and policy 19.9.6. and 19.9.7. of this Plan to determine potential noise impacts and noise attenuation measures on residential development applications which could be

affected by excessive noise levels.

Zoning of
Noise Areas

- (b) The City's Zoning By-law may place a holding provision on lands which could be affected by excessive noise levels. The holding provision will be removed when the landowner has satisfied the City, in consultation with agencies, that adequate noise attenuation measures have been provided for in any proposed development.

Noise Impact
Studies

- (c) Where a development proponent undertakes a noise impact study by a recognized acoustical consultant to determine noise levels and attenuation measures to reduce noise levels to acceptable standards, the City in consultation with the affected agencies, will have regard for these studies, in addition to Policy 19.9.6. and 19.9.7. of this plan, in setting out development conditions.

London Airport
Noise Contours

- (d) Development proposals for lands that lie, in whole or in part, within the Noise Exposure Forecast (N.E.F.) contours for London Airport, as shown in Appendix 2, shall comply with the provincial standards associated with those contours.

Rail Line

- (e) Development proposals for lands which may be affected by rail noise levels which exceed maximum provincial standards, will be circulated to the appropriate rail operator for comment. Where the City has adopted a guideline document, the development proposal will be circulated to the appropriate rail operator to clarify which mitigating measures will be included as a condition of approval of the development. Where a guideline document has not been completed the City will rely on provincial and agency input; and input from a qualified consultant for the applicant, to determine potential noise impacts and appropriate attenuation measures.

(Section 19.9.5 i) amended by OPA No. 348 - approved 2005/03/07)

Vibration
Attenuation

- ii) Excessive vibration levels from rail lines and industrial uses may negatively impact residential development or vibration sensitive non-residential development. New residential development which is expected to be exposed to ground-borne vibration levels which exceed minimum acceptable provincial standards will be required, where practical, to incorporate attenuation measures into the development.

Consultation on
Vibration Levels

- (a) Development proposals within 120 metres (400 feet) of a rail line or industrial use will be circulated to the Ministry of Environment and any other applicable agency, rail operator, or the public to identify appropriate attenuation measures required, if any.

Guideline Document on Vibration Areas	(b) Areas which are subject to excessive ground borne vibration may be identified in a guideline document as provided for in Section 19.2.2. of this Plan. This guideline document will be developed in consultation with the Province, affected agencies, rail operator, and the public. Until a guideline document is completed, the City will rely on provincial and agency input to determine attenuation measures for development which could be affected by excessive ground borne vibration levels.
Zoning of Vibration Areas	(c) The City's Zoning By-law may place a holding provision on lands which have been identified as being subject to excessive ground-borne vibration levels. The holding provision will be removed when the landowner has satisfied the City and the Ministry of the Environment, in consultation with any other applicable agencies, that adequate attenuation measures have been incorporated into the development.
Vibration Impact Studies	(d) Where a development proponent undertakes a vibration impact study by a recognized ground/borne vibration consultant to determine vibration levels and attenuation measures to reduce vibration levels to acceptable standards, the City and the Ministry of the Environment, in consultation with any applicable agencies, will have regard for these studies in establishing development conditions.
Rail Safety	iii) All proposed development adjacent to railways shall provide appropriate safety measures such as setbacks, berms and security fencing, to the satisfaction of the City in consultation with the appropriate railway. <small>(Clause iii) replaced by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</small>
Setback from High Pressure Pipelines	iv) A minimum setback of 20 metres (65 feet) will be provided from the centre of a high pressure pipeline to the nearest wall of a building intended for human occupancy. <small>(Clause iv) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</small>

19.9.6. Additional Noise Attenuation Policies for Residential Land Uses Adjacent to Arterial Roads

The following criteria will be applied in the review of all applications for residential development adjacent to an arterial road. These criteria will also be utilized in the review of proposed community plans, as appropriate:

1. Less sensitive land uses, such as commercial, institutional, open space or office uses, will, whenever practical and in conformity with the land use policies of the Official Plan, be sited adjacent to an arterial road to act as a buffer between arterial road noise and sensitive residential uses.
2. High Density Residential and Medium Density Residential uses will, wherever practical, be sited adjacent to an arterial road. This

form of development provides for greater flexibility in building orientation thereby allowing front facing buildings with amenity space in the rear.

3. If there is no practical land use alternative, and sensitive land uses must locate adjacent to an arterial road, then subdivision design measures will be encouraged to eliminate the need for noise walls. These subdivision design measures could include, but are not limited to:
 - a. Subdivisions with window or lay-by streets or service roads;
 - b. Subdivisions with rear lanes;
 - c. Subdivisions on private service roads.

The main objective of these design measures is to ensure that residential development does not rear or side-lot onto the adjacent arterial roads.

4. If land use planning or alternative subdivision designs cannot reasonably be utilized within the proposed residential subdivision then a noise impact study will be undertaken on behalf of the developer, by an accredited acoustical consultant, to determine:
 - a. the appropriate noise attenuation mechanism based on future traffic volumes as established in the Transportation Master Plan and Schedule C of the Official Plan, expected road widening and the effect the expected road widening will have on the design of the required noise attenuation measure;
 - b. the design specifics of the noise attenuation measure - such as height, density/width, location, benefiting lots, and building material.
5. Where noise walls are determined to be the only practical noise attenuation measure, the following will be required:
 - a. For Multi-Family, Medium and/or High Density Residential development - A common elements condominium corporation will be established for the noise wall. The condominium corporation will ensure that there are adequate funds to pay for the upkeep, maintenance and replacement costs of the noise wall. The requirements of the common elements condominium will be established as conditions of subdivision approval.
 - b. For freehold residential development

- i) A common elements condominium corporation will be established with all of the properties that directly benefit from the noise wall, as established in the noise study, to be identified as parcels of tied land that are responsible for this common element. The condominium corporation will ensure that there are adequate funds to pay for the upkeep, maintenance and replacement costs of the noise wall. The requirement for a common elements condominium will be established as a condition of subdivision approval; or,
 - ii) Other measures approved by Council as conditions of development approval, that achieve key principles of avoiding long term, ongoing and replacement costs to the City and ensuring that costs be borne by those benefiting from the noise wall (including the developer).
- c. The proposed size, height and location of the noise wall will need to address expected future traffic volumes as established in the Transportation Master Plan and Schedule C of the Official Plan;
 - d. The proposed noise wall will be constructed of higher-quality materials that effectively mitigate noise, are durable and do not detract from the aesthetic of the community;
 - e. Where appropriate, the proposed noise wall will be compatible and consistent with other noise walls along the same arterial road, except where existing noise walls are in conflict with the above criteria;
 - f. Landscaping will be encouraged on the road-side of noise walls to improve noise wall aesthetics and mitigate the canyon effect. Landscaping materials will be selected which can withstand the harsh growing conditions associated with road allowances flanked by noise walls.

(Subsection 19.9.6 amended by OPA No. 348 - approved 2005/03/15)

19.9.7. Noise Implementation Guidelines

Council, in accordance with section 19.9.2. of the Official Plan, may establish guidelines to further refine and assist with the implementation of noise attenuation policies included in section 19.9.6. The guidelines shall identify the specific responsibilities of the developer and the commenting and approval authorities. They may also address subdivision design standards for window streets, service lanes and lay-by streets that may assist in promoting and encouraging alternative subdivision design measures.

(Subsection 19.9.7 amended by OPA NO. 348 - approved 2005/03/15)

**19.9.8.
Demolition
Control**

For the purposes of preventing the premature demolition of residential buildings, Council may prepare and adopt a Demolition Control By-law which shall apply to designated areas of the City in accordance with the provisions of the *Planning Act*.

(Subsection 19.9.6 renumbered to 19.9.8 OPA No. 348 - approved 2005/03/07)

**19.9.9.
Tree
Preservation**

Council may encourage the preservation of trees through the use of site plan control as provided for in policy 19.9.2. of the Plan, subdivision approval, as provided for in policy 19.6.1. of the Plan, or through the introduction of a tree cutting by-law.

(Subsection 19.9.7 renumbered to 19.9.9 OPA No 348 - approved 2005/03/07)

19.10.

PROPERTY STANDARDS

The enforcement of minimum standards for the maintenance and occupancy of individual properties is important to the health, safety, and welfare of City residents and assists in preserving the character of residential areas. A Property Standards By-law requires that buildings be maintained in a structurally sound condition, and provides for the removal of buildings that have deteriorated to the point where rehabilitation is not economically feasible.

**19.10.1.
Property
Standards By-
law**

Subject to the provisions of the *Planning Act*, Council shall regulate the maintenance and occupancy of property through the adoption and enforcement of a Property Standards By-law.

Sub-Standard
Properties

- i) Property owners whose property does not conform to standards in the by-law shall be required to repair and maintain such properties in accordance with those minimum standards.

Coverage

- ii) Minimum standards in the by-law apply to, among other matters, exterior building and property conditions, and interior conditions of buildings and structures, including:
 - (a) garbage disposal and pest prevention;
 - (b) structural maintenance, safety, and cleanliness of buildings;
 - (c) services to buildings including plumbing, heating and electricity;
 - (d) the adequacy of a building, or unit within a building, for healthy occupancy in terms of sanitation, light, and ventilation; and
 - (e) keeping properties free from rubbish, debris, weeds, abandoned or inoperative vehicles, trailers, boats, mechanical equipment, or building materials.

19.11. LAND ACQUISITION

The acquisition of land by the City for such purposes as open space, flood control, recreation, municipal industrial parks, municipal works or facilities, and community improvement is referred to in the policies of the Plan. The City may acquire land through purchase, expropriation, dedication, land exchange, or other means, and may use such land for the development of different facilities or services for the benefit of the community and its residents. The municipality may also dispose of lands to assist in, or facilitate, the implementation of the objectives and policies of the Plan.

19.11.1. Acquisition and Disposition Council may acquire, hold and dispose of land for the purpose of implementing the objectives and policies of the Official Plan, and subject to provisions of the *Planning Act*, the *Municipal Act*, and other relevant legislation.

19.12. PUBLIC PARTICIPATION

It is essential that individuals and organizations be made aware of various planning proposals and be given the opportunity to express their views on these matters. The policies contained in this Section apply to proposals to adopt or amend the Official Plan, Zoning By-law, community improvement plans, or plans of subdivision. There are also policies to direct public participation for matters such as area studies, guideline documents, certain applications of site plan control, and certain applications for draft plan of condominium approval contained in other parts of the Plan.

(amended by OPA No. 273 - approved 03/03/17)

19.12.1. Matters Subject to Public Participation Planning matters subject to the public participation provisions of this Section of the Plan include proposals to adopt or amend the Official Plan, Zoning By-law, or community improvement plans, proposals for the approval of a plan of subdivision, vacant land condominiums and common elements condominium. Council may also require public participation in connection with applications for site plan approval, as described in policy 19.9.2. of the Plan.

(amended by OPA No. 273 - approved 03/03/17)
(Section 19.12.1. amended by OPA 438 Dec. 17/09)

19.12.2. Forms of Public Participation Provisions for public participation shall be appropriate to the nature and scope of the planning matter being addressed. Various forms of public participation which may be used include: delegations at Committees of Council, formal and informal public meetings, development application public liaison replies, open houses, workshops, displays, neighbourhood or city-wide advertising, working committees, task forces, and consultation with neighbourhood ratepayers associations.

19.12.3. Notice of Application Within fifteen (15) days after an affirmative notice is provided for an application for an application for Official Plan amendment, Zoning By-law amendment, or draft plan of subdivision, the City shall provide notice of the application to the persons and public bodies prescribed under the *Planning Act* , and, make the required information and material available to the public.

(Section 19.12.2. amended by OPA 438 Dec. 17/09)

**19.12.4.
Advance Notice
of Public
Meeting and
Open House**

A Committee of Council shall hold one or more public meeting(s) at which any member of the public may express their views on a planning proposal(s). In the case of an amendment to the Official Plan, or the adoption or amendment of a community improvement plan or Zoning By-law, notification of the initial public meeting shall be given a minimum of ten (10) days prior to the date of the public meeting. For the approval or revision of a plan of subdivision, or a vacant land or common element condominium notification of the public meeting shall be given a minimum of fourteen (14) days prior to the date of the public meeting.

(Section 19.12.4 amended by OPA No. 298 - approved 2005/01/31)

(Section 19.12.4. amended by OPA 438 Dec. 17/09)

**Five Year
Review and
Development
Permit System**

In addition to the public meeting(s), if a five-year review of the Plan is being undertaken, or the Plan is being amended in relation to a development permit system, Council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions on the required information and material. If required, an open house shall be held no later than seven (7) days prior to the date of the initial public meeting.

(Added by OPA 438 Dec. 17/09)

**19.12.5.
Manner of
Notice**

Notice of public meetings, open houses and public liaison shall be given by:

(Amended by OPA 438 Dec. 17/09)

Newspaper

- i) publication in a local newspaper that, in the opinion of the General Manager of Planning and Development is of sufficiently general circulation in the area adjoining the subject land that it would give the public reasonable notice of the application; and/or

(Amended by OPA 438 Dec. 17/09)

Mail or Delivery

- ii) prepaid first class mail or personal service delivery.

**19.12.6.
Parties
Receiving
Notice**

To the best of the ability of the Municipality, the following individuals and/or groups shall be given public meeting and public liaison notices:

Affected
Landowners

- i) every owner of land within the affected site and/or area to which the proposal applies, as shown on the last revised assessment roll;

Secondary
Landowners

- ii) every owner of land within 120 metres (400 feet) of the area to which the proposal applies, as shown on the last revised assessment roll; and,

Written Requests

- iii) every person and agency that has given the City Clerk a written request for such notice.

**19.12.7.
Joint Meetings**

Where a planning proposal requires changes to both the Official Plan and Zoning By-law, Council may direct a Committee of Council to hold a public meeting to consider the proposed changes jointly. Public notification

procedures for such a meeting shall be in accordance with the provisions of policy 19.12.3.

**19.12.8.
Public
Notification and
Meetings not
Required**

Notwithstanding the public notification procedures in Section 19.12., Council may forego public notification and public meeting(s) and may adopt changes in the following instances:

- | | | |
|---------------------|------|--|
| Technical | i) | to correct a minor technical error or omission contained in an amendment which has undergone full public review; |
| Presentation Format | ii) | to change punctuation or format, alter language, or correct clerical, grammatical, or typographical errors; and |
| Footnotes | iii) | to insert footnotes or similar annotations to indicate the origin and approval of each provision. |

19.13.

MIDDLESEX COUNTY AND NEIGHBOURING MUNICIPALITIES

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

**19.13.1.
Liaison**

Council will liaise with Middlesex County and neighbouring municipalities on matters of mutual interest and concern.

**19.13.2.
Development
Proposals**

Council will liaise with neighbouring municipalities on development proposals or matters which could affect both the City and neighbouring municipalities.

19.14.

PROVINCIAL POLICY STATEMENTS AND OTHER RELEVANT LEGISLATION

The Province, from time to time, may issue provincial policy statements, guidelines, and legislation which may have an effect on land use planning matters at the municipal level. The policies of this Section address the role of these documents in the implementation of the Official Plan.

**19.14.1.
Provincial Policy
Statements**

In exercising its authority over planning matters addressed by this Official Plan, the decisions of Council:

- i) shall be consistent with the policy statements issued under Subsection 3(1) of the *Planning Act* that are in effect on the date of the decision; and
- ii) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be;

(Sec. 19.14.1. amended by OPA 438 Dec. 17/09)

**Guideline
Documents and
Areas Studies**

- iii) Council may initiate amendments to the Official Plan or Zoning By-law, and may introduce guideline documents or area studies to implement provincial policy statements introduced in accordance with the provisions of the *Planning Act*.

(Clause renumbered by OPA 438 Dec. 17/09)

Other Provincial
Policy Statements

- iv) Council, in implementing the objectives and policies of the Plan, shall give consideration to additional relevant provincial guidelines and policies which may not have the full status of provincial policy statements introduced under the *Planning Act*.
(Clause iv) renumbered by OPA 438 Dec. 17/09)

**19.14.2.
Other Relevant
Legislation**

Council, in implementing the objectives and policies of the Plan, shall have regard to the requirements of the *Municipal Act*, the *Environmental Assessment Act*, the *Ontario Water Resources Act*, the *Environmental Protection Act*, the *Ontario Heritage Act*, the *Endangered Species Act* and other relevant legislation having a bearing on land use planning, and planning-related matters.

19.15.

PLANS OF CONDOMINIUM

The process of creating units, common elements and exclusive use common elements through the registration of a condominium description is governed by the Condominium Act and the Planning Act. Authority for the approval of Plans of Condominium has been assigned by the Province to the Council of the City of London.

**19.15.1.
Standard
Condominium
Policies**

The following policies shall apply to consideration of an application for a standard condominium:

- i) If the development is to be registered as multiple plans of condominium, the minimum number of units to be included in each condominium shall be ten, or a number adequate to ensure the reasonable, independent operation of the condominium corporation.

**19.15.2.
Common
Elements
Condominium
Policies**

The following policies shall apply to consideration of an application for a common elements condominium:

- i) Common elements condominium corporations will be permitted unless the City requires public ownership of the lands for purposes of: pedestrian or vehicular access, including any part of a public road allowance; the construction, maintenance and repair of public facilities and services; or safeguarding significant natural features set out in policy 15 of this Plan, or planned trail systems; or, the proposal is otherwise not in the public interest.
- ii) The creation of a new private road common element condominium corporation shall be subject to the consent policies contained in Policy 19.7.1. (iii) of this Plan.

**19.15.3.
Phased
Condominium
Policies**

The following policies shall apply to consideration of an application for a phased condominium:

- i) The minimum number of units for the initial and final registration

shall be ten, or a number adequate to allow for reasonable operation of the condominium corporation should the proposed phases not be constructed or registered as approved in the draft plan;

- ii) The City shall be satisfied that the proposed phasing, in association with statutory easements or otherwise, joint use and maintenance agreements and other mechanisms is satisfactory to ensure the long-term independent operation of the condominium and the remnant land should subsequent phases not be built or registered, or registered as stand-alone condominium corporations.

**19.15.4.
Vacant Land
Condominium
Policies**

The following policies shall apply to consideration of an application for a vacant land condominium:

- i) The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominiums;
- ii) The applicant may be required to provide site development concepts and meet design requirements consistent with the Site Plan Control By-law and Policies as part of the consideration of a draft plan of vacant land condominium;
- iii) Proposals for vacant land condominiums which will result in structures that cross unit boundaries, either horizontally or vertically, will not be supported;
- iv) The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation shall be more than adequate to allow for the reasonable, independent operation of the condominium corporation.

**19.15.5.
Condominium
Guidelines**

Council may adopt Condominium Guidelines in accordance with the provisions of policy 19.2.2, regarding guideline documents, to assist in the preparation and evaluation of proposed draft plans of condominium.

**19.15.6.
Conditions**

The City may require applicants to satisfy reasonable conditions prior to final approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the *Planning Act*. The applicant will be required to meet conditions of draft plan approval within a specified time period, failing which, draft plan approval will lapse.

**19.16
Complete
Application**

The Planning Act permits a Council or a delegated approval authority to require that a person, public body or applicant who apply, submit or make requests or applications for consents, amendments to the Official Plan, amendments to the Zoning By-law, and approval of plans of subdivision, provide any “other information or material” that Council or the approval authority considers it may need to provide a basis for sound land use planning decisions in addition to the requirements of the policies of the Official Plan and the Provincial Policy Statement.

**19.16.1
Complete
Application
Provisions**

In order to ensure that all the relevant and required information pertaining to a planning application is available at the time of submission of the application to enable Council and its delegated approval authorities to make informed decisions within the prescribed period of time and to ensure that the public and other stakeholders have access to the relevant information earlier in the planning process, any or all the following provisions may be requested from applicants who apply, submit or make requests or applications for consents, amendments to the Official Plan, amendments to the Zoning By-law, and approvals of plans of subdivision, including condominiums.

In all instances the number and the scope of studies to be required for the submission of a complete application should be appropriate and in keeping with the scope and complexity of the application. For applications that may be considered simple or minor in nature, little, if any, additional information may be required. (OPA 430/November 5, 2007)

**19.16.2
Reports and
Studies**

Council and its delegated approval authorities may require reports and studies as part of a comprehensive planning application package referred to as a complete application. The reports and studies are intended to provide additional information pertaining to a subject site and the areas adjacent to it to assist Council and its delegated approval authorities to evaluate an application.

Council and its delegated approval authorities may require that a person requesting an amendment to the Official Plan, applying for an amendment to the Zoning By-law, applying for approval of a plan subdivision, or makes an application for a consent to sever, provide any other information or material that Council or its delegated approval authorities consider they may need. Therefore, these broad categories of reports and studies are not intended to preclude Council and its delegated approval authorities from requiring additional reports and studies that may be identified during the planning process if circumstances necessitate the need for such information as part of the decision making process.

The more specific scoping of reports and studies to be submitted by an applicant will be identified at the Consultation Meeting.

Reports/Studies
to address
Environmental
and Natural
Matters

- i) The submission of reports and studies related to environmental and natural matters is to identify and assess the environments and natural features and functions related to the subject site, including surface and subsurface features, and to ensure that any potential impacts resulting from a proposed development and/or change in land use on the identified environmental and natural features and functions are mitigated, and to demonstrate consistency with the policies of Chapter 8 – Open Land Use Designation and/or Chapter 15 – Environmental Policies of this Plan.

The required reports/studies are to identify the environmental and natural features and functions which may be affected by the proposed development and/or change in land use; identify the areas that are to be employed as a buffer to protect the environmental and/or natural features and functions from the proposed development and/or change in land use; and identify any other mitigative measures to be undertaken to protect the environmental and natural features and functions from any potential impacts associated with the proposed development and/or change in land use.

Reports/Studies
to address
Transportation
Matters

- ii) The submission of reports and studies related to transportation matters is to determine if a proposed development and/or change in land use can be accommodated by the transportation network, what changes to the transportation network, if any, are required to accommodate the proposed development and/or change in land use, and to ensure that any potential impacts on the surrounding land uses are mitigated, and demonstrate consistency with the policies of Chapter 18 – Transportation of this Plan.

The required reports/studies are to determine what potential impacts may be associated with a proposed development and/or change in land use on the transportation network or an surrounding land uses, whether it can be accommodated within the design parameters of the transportation network, and to identify any new transportation infrastructure and lands that may be required external to the proposed site. The required report/studies must also identify whether, and if so, how, the proposed development and/or change in land use will be serviced by transit including an analysis of the implications to London Transit Commission. Where new transportation infrastructure and/or lands are required or an expansion of the existing transportation infrastructure is necessary to accommodate a proposed development and/or change in land use, the transportation reports/studies will demonstrate that the improved transportation infrastructure will be adequate to accommodate all modes of transportation in efficient manner and minimizes potential impacts on surrounding uses.

Reports/Studies to address Servicing and Infrastructure Matters

- iii) The submission of reports and studies related to servicing and infrastructure matters is to ensure that a proposed development and/or change in land use can be supported by adequate municipal water, sanitary sewer, and stormwater management services, and must also demonstrate consistency with the policies of Chapter 17 – Services and Utilities of this Plan.

The required reports/studies are to demonstrate that the existing servicing infrastructure is sufficient to accommodate the proposed development and/or change in land use or that the lands can be reasonably serviced by the extension of existing infrastructure and to identify any new servicing infrastructure and lands that may be required external to the proposed site. Where new servicing infrastructure and or lands are required or an expansion of the existing infrastructure is necessary, the servicing and infrastructure reports/studies must also identify how the requirements, if any, under the environmental Assessment Act are to be addressed. The initiation of the Integration Provision of the MEA Municipal class Environmental Assessment may also be required.

Reports/Studies to address Financial Matters

- iv) The submission for reports and studies related to financial matters is to demonstrate that a proposed development and/or change in land use will not have an undesirable or unanticipated financial impact on the City of London.

The required reports/studies are to identify the short-term and long-term costs to the City of London for the provision of municipal infrastructure and services required to support a proposed development and /or change in land use and an estimate of anticipated revenues arising from a proposed development and /or change in land use.

Reports/Studies to address Cultural and Design Matters

- v) The submission of reports and studies related to cultural and design matters are to demonstrate that a proposed development and/or change in land use will have a positive impact on the City's public realm, and must demonstrate consistency with the policies of Chapter 11 – Urban Design Principles and Chapter 13 – Heritage resources Policies of this Plan.

The required reports/studies are to demonstrate how a proposed development and/or change in land use will have a positive impact on neighbouring built heritage, is sensitive to archaeological issues, is designed in a manner that enhances the local built form and/or natural environment, and is consistent with approved urban Design Guidelines.

Reports/Studies
to address
Planning Matters

- vi) The submission of reports and studies related to local and provincial planning matters is to ensure that a proposed development and/or change in land use is consistent with Council Policies and the Provincial Policy Statement and provides an integrated approach to land use planning.

The required reports/studies are to specifically address how a proposed development and/or a change in land use is consistent with the Provincial Policy Statement. The reports/studies must also demonstrate that the proposed development and/or a change in land use is consistent with Official Plan policies.

Where applicable, the reports/studies will also address consistency with an Area Plan and Guideline Documents that have been adopted by City Council.

Reports/Studies
to address
Nuisance and
Hazard Matters

- vii) The submission of reports and studies related to nuisance and hazard matters is to demonstrate that residents or users of a proposed development and/or change in land use are buffered from nuisances related to noise, dust, odour, vibration, and contamination/fill, and to reduce the potential for public cost or risk to future residents resulting from natural and human-made hazards. The reports/studies must also demonstrate consistency with the policies of Chapter 15 – Environmental Policies and Chapter 19 – Implementation of this Plan.

The required reports/studies are to identify all of the potential nuisance issues and natural/human-made hazards which may impact the proposed development and/or change in land use, identify the areas that area to be employed as a buffer between the nuisance issues and natural-human-made hazards and the proposed development and/or change in land use, and identify any other measures to be undertaken to mitigate the impacts associated with the nuisance issues and natural/human-made hazards from the proposed development and/or change in land use.

Reports/Studies
to address
Agricultural
Matters

- viii) The submission of reports and studies related to agricultural matters is to identify and assess any agricultural features that may be affected by a proposed development and/or change in land use, including surface and subsurface features, and to ensure that any potential impacts resulting from a proposed development and/or change in land use on the surrounding agricultural features are mitigated. The reports/studies must also demonstrate consistency with the policies of Chapter 9 – Agricultural, Rural Settlement and Urban Reserve Land Use Designations of this Plan.

The required reports/studies are to identify the agricultural features which may be affected by the proposed development and/or change in land use; identify the areas that are to be

employed as a buffer between the proposed development and/or change in land use and adjacent agricultural features; demonstrate that the proposed development and/or change in land use will be accommodated in an efficient manner; and identify any other mitigative measures to be undertaken to ensure minimal potential impacts on surrounding agricultural features.

**19.16.3
Bibliography of
Resources**

All information and material that was provided to the municipality in support of an application must be listed in a Bibliography of Resources to clearly outline what information was made available to Council prior to a decision being made.

**19.16.4
Record of
Consultation**

Council may, by by-law, require a Consultation Meeting. The purpose of the Consultation Meeting is to allow the applicant to discuss with Municipal Staff matters pertaining to the application. Through these discussions, Municipal Staff will have the opportunity, in consultation with the applicant, to outline the information and materials that the applicant will be required to submit concurrently with the application. If a Consultation Meeting occurs, it shall be completed prior to the submission of an application. The specific reports/studies that are required to be submitted together with the application will be identified at the Consultation Meeting.

**19.16.5
Application
Information
Requirements**

In addition to the prescribed information required by the *Planning Act*, and the other information outlined in Section 19.6. of this Plan, additional information and materials may be required by the City to assist in understanding, evaluating and making recommendations on the application, and to ensure that sufficient information in an appropriate format can be made available to the commenting agencies and the public, and to the Council and its delegated approval authorities. Detailed information requirements will be as set out in the relevant application forms.

**19.16.6
Concurrent
Application
Provisions**

In addition to the prescribed information required by the *Planning Act*, and the other information outlined in Section 19.16. of this Plan the City may, through the Consultation Meeting, identify applications that are required to be submitted concurrently, to ensure that Council and its delegated approval authorities can properly evaluate the applications and make consistent and appropriate decisions.

**19.16.7
Electronic
Submissions**

All information must be submitted in both electronic format and hard copy format so that it may be more easily made available for review.
(OPA 430)