

Chapter/Policy/Section	
19.	<u>IMPLEMENTATION</u>
19.2.	<p style="text-align: center;"><u>AREA STUDIES AND GUIDELINE DOCUMENTS</u></p> <p><i>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. Area Studies allow for the analysis and conceptual planning of a specific area of the City at a level of detail which may not be appropriate for the Official Plan. Guideline documents elaborate upon assist in the implementation of policies by providing more detailed criteria that have general application to the control of development. Area studies and guideline documents do not form part of the Official Plan and are not to be regarded as having Official Plan status.</i></p>
19.2.1. Area Studies	<p>Council may direct that an area study be prepared if the land use characteristics of a specific area, and if potential for development or change, warrant a review, refinement, or elaboration of Official Plan policies.</p>
Purpose	<p>i) An area study/<u>community plan/area plan</u> may be used to facilitate the implementation of Official Plan policies in a specific area by providing more detailed guidance for the evaluation of development proposals and for the preparation of zoning by-laws. They may also be used to provide the basis for amendments to the Plan that will specifically address land use problems in a particular area. Examples of areas that may warrant an area study include: (Clause i) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</p> <ul style="list-style-type: none"> (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 "Area Studies" on Schedule "D". <p style="text-align: right;"><small>(Sub-clause (h) added by OPA No. 88 - OMB Order No. 2314 – approved 99/12/23)</small></p>

<p>Content</p>	<p>ii) An area study will normally consist of policy objectives, statements, and/or maps that provide a more detailed approach to land use planning matters than is contained in the Official Plan. Among the matters that may be addressed are land use mix and compatibility, road alignments, municipal services, <u>minimum and maximum residential densities and affordability</u>, road access points, location of community facilities, buffering concerns, location of pedestrian and bicycle routes, building conditions, the natural heritage system and the suitability of existing development requirements.</p> <p><u>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.</u></p> <p>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:</p> <ul style="list-style-type: none"> (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. <small>(Clause ii) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</small>
<p>Status</p>	<p>iii) An area study 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.</p>
<p>Public Participation and Review</p>	<p>iv) The preparation of an area study will include provisions to encourage participation by area residents, property owners, and other interested groups. Before adopting an area study, Council will hold at least one public meeting to provide for the input of area residents, property owners, and interested groups.</p>
<p>19.2.2. Guideline Documents</p>	<p>Council may adopt guideline documents to provide detailed direction for the implementation of Official Plan policies. <u>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.</u></p>
<p>Purpose</p>	<p>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.</p>

<p>Content</p>	<p>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:</p> <ul style="list-style-type: none"> (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) Descriptions of properties on the Heritage Resources Inventory; (k) Descriptions of Potential Heritage Conservation Districts; (l) Subwatershed Planning Studies; <small>(Sub-clause (l) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</small> (m) <u>Ecological Buffers and Development Setback Guidelines</u>; <small>(Sub-clause (m) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</small> (n) Environmental Management Guidelines; <small>(Sub-clause (n) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</small> (o) Guidelines for the identification of Cultural Heritage Landscapes; and (p) Cultural Heritage Landscape Guidelines; <small>(OPA No. 269 - approved 03/02/17)</small> (q) Bicycle Master Plan; <small>(OPA No.368 - approved 05/10/3)</small> (r) Old East Heritage Conservation District Plan and Guidelines; <small>(OPA No. 390)</small> (s) Guideline Document for the Evaluation of Ecologically Significant Woodlands <small>(March 2006 – OPA No. 401)</small> (t) Sunningdale North Area Plan <small>(OPA No. 410)</small> (u) <u>Environmental Impact Study Guidelines</u>; (v) <u>Environmentally Significant Area Identification and Boundary Delineation Guidelines</u>; (w) <u>Significant Woodland Evaluation Guidelines</u>; (x) <u>Plant Selection Guidelines for Environmentally Significant Areas, Natural Heritage Areas and Buffers</u>; (y) <u>Community Energy Plan</u>; (z) <u>Sustainable development and green building initiatives</u>; (aa) <u>Transportation Master Plan</u>; (ab) <u>Transportation Impact Study Guidelines</u>; (ac) <u>Access Management Guidelines</u>;
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	<p><u>(ad) Facility Accessibility Design Standards;</u></p> <p><u>(ae) Tree Preservation Guidelines; and</u></p> <p><u>(af) Small Lot Subdivision Design Guidelines.</u></p>
Status	<p>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.</p>

<u>Public Record</u>	iv) <u>A record will be maintained of the guideline documents (and any associated modifications) 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.</u>
Public Participation and Review	iv) 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.
19.3.	<p><u>OFFICIAL PLAN AMENDMENTS, REVIEW, AND MONITORING</u></p> <p><i>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.</i> (Section 19.3 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</p>
19.3.1. Official Plan Amendments	<p>Council may initiate amendments to the Official Plan, to address any of the following circumstances:</p> <ul style="list-style-type: none"> 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	<p>Council will endeavour, at intervals of three years, to hold a public meeting to consider the need for a review of the Official Plan, in accordance with the requirements of the <i>Planning Act</i>.</p> <p><u>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 <i>Planning Act</i>. 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 <i>Planning Act</i>.</u></p>
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	<ul style="list-style-type: none"> 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; <u>the impacts of climate change</u>; 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. <p>(Clause i) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</p>
19.4.	<p><u>ZONING</u></p> <p><i>The Zoning By-law regulates the use of land, and the character, location, and use of buildings and structures in the City.</i></p>
19.4.1.	The Zoning By-law shall contain regulations to control the amount or type of

<p>Zoning Regulations</p>	<p>development with respect to matters such as the following:</p> <ul style="list-style-type: none"> 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) <u>Minimum and M</u>maximum density of residential land use measured as ratios of dwelling units per hectare. viii) <u>Minimum and M</u>maximum density of commercial and other land uses measured as floor area ratios, for example, the gross floor area divided by the lot area. ix) <u>Minimum and M</u>maximum height of a building or structure. x) Minimum requirements for parking and loading areas. xi) Minimum requirements for landscaped open space.
<p>19.4.2. Urban Reserve</p>	<p>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.</p>
<p>19.4.3. Holding Zones</p>	<p>The Zoning By-law may contain holding provisions in accordance with the <i>Planning Act</i>. 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.</p>
<p>Purpose</p>	<ul style="list-style-type: none"> 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; <u>to ensure that the values, attributes and integrity of protected heritage properties are retained;</u> 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.
<p>Application</p>	<ul style="list-style-type: none"> 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.
<p>Removal</p>	<ul style="list-style-type: none"> 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. <p>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 <i>Planning Act</i>.</p>

<p>Public Notification</p>	<p>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 to the owner(s) of the lands to which the amendment applies, and to those who have given the City Clerk a written request for such notice 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.</p>
<p>Interim Uses</p>	<p>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.</p>
<p>19.4.4. Bonus Zoning Implementation</p>	<p>Under the provisions of the <i>Planning Act</i>, 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.</p> <p>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.</p> <p>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.</p> <p><u>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.</u></p>
<p>Principle</p>	<p>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.</p>
<p>Objectives</p>	<p>(a) to support the provision of the development of affordable housing as provided for by 12.2.2.</p> <p>(b) to support the provision of common open space that is functional for active or passive recreational use;</p> <p>(c) to support the provision of underground parking;</p> <p>(d) to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;</p> <p>(e) to support the provision of, and improved access to, public open space, supplementary to any parkland dedication requirements;</p> <p>(f) to support the provision of employment-related day care facilities;</p>

	<p>(g) to support the preservation of structures and/or districts identified as architecturally and/or historically significant by the City of London, in consideration for their designation under the <i>Ontario Heritage Act</i>; and</p> <p>(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; and</p> <p><u>(i) to support the preservation of natural areas and/or features.</u></p> <p><u>(j) to support the provision of design features that provide for universal accessibility in new construction and/or redevelopment.</u></p>
Implementation	<p>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.</p> <p>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.</p>
Agreements	<p>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.</p>
19.4.5. Temporary Use By-laws	<p>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 <i>Planning Act</i>.</p>
Enacting Provisions	<p>a) In enacting a Temporary Use By-law, Council shall have regard for the following matters:</p> <ul style="list-style-type: none"> (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.
19.6.	<p><u>SUBDIVISION OF LAND</u></p> <p>(Section 19.6 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</p> <p><i>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.</i></p>

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:
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. (Clause (iii) amended by OPA No. 91 - approved by MMAH 97/04/17)
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, <u>and</u> the transportation network, or significant natural features.
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.
<u>Sustainable Development</u>	vii) <u>The plan of subdivision is designed to be sustainable, to support public transit and to be oriented to pedestrians.</u>
<u>Energy</u>	viii) <u>The plan of subdivision is designed to support optimization of the available supply, means of supplying, efficient use and conservation of energy.</u>
<u>Tree Protection and Street Trees</u>	ix) <u>The plan of subdivision is designed to consider the need for tree preservation reports, and trees and that have been identified for protection; and, consider the potential implications for street tree locations in the design of the subdivision.</u>
<u>Natural Heritage System</u>	x) <u>The Natural Heritage System will be protected from any negative impacts associated with the plan of subdivision.</u>
19.6.2. Subdivision Design Guidelines	Council may adopt Subdivision Design Guidelines in accordance with the provisions of policy 19.2.2. regarding guideline documents, to assist in the preparation and evaluation of proposed plans of subdivision.
19.6.3. Draft Plan Approval	As a condition of draft plan of subdivision approval, the <u>City Approval Authority</u> may require applicants to satisfy certain conditions prior to final approval and registration of the plan of subdivision, <u>as in the opinion of the Approval Authority are reasonable, having regard to the nature of the development proposed for the subdivision.</u> 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 <u>City Approval Authority</u> 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) <u>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.</u>
19.6.4. Exemption from Part-Lot Control	In accordance with the provisions of the <i>Planning Act</i> , 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	Council may, by by-law, deem any part of a plan of subdivision not to be a

<p>Deemed Not Registered</p>	<p>registered plan of subdivision, subject to the provisions of the <i>Planning Act</i>.</p>
<p>19.7.</p>	<p><u>CONSENT AUTHORITY</u></p> <p><i>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.</i></p>
<p>19.7.1. Applications for Consent</p>	<p>The Consent Authority, when dealing with an application for a consent under the subdivision or part-lot control provisions of the <i>Planning Act</i>, 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 consent decision shall not be given until after the corresponding zoning by-law amendment or minor variance application has been dealt with.</p>
<p>Development Consent Criteria</p>	<p>i) When reviewing an application for consent to create a lot(s) for development, the Consent Authority shall also consider the following criteria:</p> <ul style="list-style-type: none"> (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 <i>Planning Act</i>, 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. <u>(k) that potential impacts on components of the Natural Heritage System will be addressed in accordance with the provisions</u>

	<p><u>under Section 15.5.</u> (Sub-clause (j) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</p> <p>ii) Where individual on-site wastewater treatment systems are proposed, the Consent Authority shall also consider the following criteria:</p> <ul style="list-style-type: none"> (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. <p>(Clause (ii) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</p>
<p>Consent Criteria for Free-Hold Lots on Private Roads <u>Common Element Condominium Roadway</u></p>	<p>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 General Manager of Environmental Services and City Engineer.</p> <p>Where a parcel of land cannot be integrated into a plan of subdivision because of site constraints, including but not limited to, constrained site dimensions, desire to preserve topographical and historical, vegetative or environmental features, and where development as a plan of subdivision may otherwise be precluded given current municipal standards, policies or regulations, or acceptable deviations to municipal standards, policies or regulations, development under the ownership of a standard or vacant land condominium corporation shall be encouraged.</p> <p>The creation of a private non-condominium road to serve new free-hold lots shall be discouraged, prohibited. <u>Access-ways to free-hold lots as common element condominium roadways can be supported provided unless it is demonstrated that 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 free-hold lots.</u></p> <p>Consent for the creation of free-hold lot development on a private road shall <u>common elements condominium roadway may</u> be granted only if the following additional criteria are satisfied:</p> <ul style="list-style-type: none"> (a) that the severed and retained parcels comply with the provisions of the implementing Zoning By-law; (b) that adequate municipal services be available or be provided to the property limit of the private road development; (c) that the private common <u>element</u> services within the private road development connect to available adequate municipal services on a public street; (d) that the applicant enter into an agreement with the City to address servicing and other development issues; (e) that there is provision for a safe and dry access for all lots involved; (f) that the private road <u>common element roadway</u> 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) that the shared private roadway of any private road <u>common element roadway</u> have an adequate width to accommodate

	<p>the traveled portion of road, boulevards and services for its use, construction and maintenance to permit safe vehicular movements, and have an adequate turning facility of sufficient area to accommodate emergency, delivery and maintenance vehicles consistent with the "Site Plan Control By-law and Policies" , and to the specification of the General Manager of Environmental and Engineering Services and City Engineer; (amended by OPA No. 273 - approved 03/03/17)</p> <p>(h) the agreement shall identify the name to be used for the private road, 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)</p> <p>(i) that 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; and (amended by OPA NO. 273 - approved 03/03/17)</p> <p>(j) that the freehold lots dependent on the private road <u>common element roadway</u> 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 private roadway; <u>and,</u></p> <p><u>k) private road development which does not result in a common elements condominium corporation being established is prohibited.</u></p> <p>(added by OPA NO. 273 - approved 03/03/17) (Clause (iii) added by OPA No. 91 - approved by MMAH 97/04/17)</p>
<p>Conditions of Approval</p>	<p>iv) In granting a consent, the Consent Authority may attach conditions, as authorized under the provisions of the <i>Planning Act</i>, including but not limited to:</p> <p>(a) the dedication of parkland or cash in-lieu-of such dedication;</p> <p>(b) the dedication of any road widenings and one foot reserves as may be required by the City;</p> <p>(c) fulfillment of any financial requirements of the City;</p> <p>(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</p> <p>(e) submission of a registered reference plan to the Consent Authority.</p> <p><u>(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.</u></p>
<p>19.8.</p>	<p><u>COMMITTEE OF ADJUSTMENT</u></p> <p><i>In accordance with the provisions of the Planning Act, Council has appointed a Committee of Adjustment to deal with the following matters:</i></p> <p>(a) <i>applications to allow a minor variance from the provisions of the Zoning By-law or any other by-law that implements the Official Plan;</i></p> <p>(b) <i>applications to allow the extension or enlargement of a legal non-</i></p>

	<p><i>conforming use; and</i></p> <p><i>(c) applications to allow a change in the use of buildings or land from a legal non-conforming use to another non-conforming use.</i></p>
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	<p>i) When reviewing an application for minor variance, the Committee of Adjustment shall also consider the following criteria:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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.</p>
Conditions	<p>ii) The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of an application for minor variance. <u>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 <i>Registry Act</i> and the <i>Land Titles Act</i>, against any and all subsequent owners of the land.</u></p>
19.9.	<p><u>DEVELOPMENT CONTROL</u></p> <p><i>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.</i></p>
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 <i>Planning Act</i> .
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, <u>or those dwellings constructed as intensification projects considered under section 3.2.3 of this Plan.</u>
Development or	v) For the purposes of the Plan, development or redevelopment shall

<p>Redevelopment</p>	<p>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.</p>
<p>Requirements</p>	<p>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 <i>Planning Act</i>, 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.</p>
<p>Objectives of Site Plan Control</p>	<p>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:</p> <ul style="list-style-type: none"> (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 minimum 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 <u>and accessible</u> parking and loading facilities, and orderly circulation within parking areas; (f) has <u>promotes</u> safe and convenient pedestrian circulation <u>and incorporates accessibility design standards.</u> including handicapped persons, senior citizens, and children; (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; and (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; <u>(j) ensures appropriate measures are undertaken to avoid negative impacts on significant natural areas and features;</u>
<p>Matters Addressed by Site Plan Control</p>	<p>iv) To achieve these objectives, the following matters may be addressed through site plan control:</p> <ul style="list-style-type: none"> 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 widening, 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;

	<p>g) measures to minimize any loss of sunlight and privacy to adjacent properties;</p> <p>h) location and design of outdoor recreational areas;</p> <p>i) location of external facilities and works;</p> <p>j) easements over, and grading of, lands; and</p> <p>k) provisions for stormwater management and drainage; and</p> <p>l) <u>facilities designed to have regard for accessibility for persons with disabilities;</u></p> <p>m) <u>matters relating to exterior design including elements pertaining to character, scale, appearance and design features of buildings and their sustainable design;</u></p> <p>n) <u>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,</u></p> <p>o) <u>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).</u></p> <p>(Sub-clause (k) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</p>
<p>Public Notification</p>	<p>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:</p> <p>(a) medium- and large-scale residential projects developed under the infill <u>Residential Intensification</u> provisions of policy 3.2.3., <u>3.3.1 (vii) and 3.4.1 (vii)</u> of the Plan;</p> <p>(b) commercial or mixed-use projects in the Downtown with over 9,290 square metres (100,000 square feet) of gross leasable retail space;</p> <p>(c) high density residential and mixed-use projects in the Office-Residential and Multi-Family, High Density Residential designations around the Downtown;</p> <p>(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;</p> <p>(e) proposals for new development in Heritage Conservation Districts established according to the policies of Section 13.3. of the Plan;</p> <p>(f) proposals for new Regional or Community Shopping Areas, or the significant expansion of existing Regional or Community Shopping Areas;</p> <p>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; and</p> <p>(h) other situations where the location, massing, and conceptual design of new development may significantly affect the character of the surrounding area; and</p> <p><u>(i) vacant land condominiums and common elements condominiums.</u></p>
<p>19.9.5 Noise , Vibration and Safety</p>	<p>The development of residential uses on lands in close proximity to the London Airport, rail lines, freeways and provincial highways, or <u>commercial or institutional</u> 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</p>

	<p>required through the development approval process.</p> <p>(Subsection 19.9.5 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)</p>
Noise Attenuation	<p>i) Excessive noise levels from airports, rail lines, high traffic volume roads, and 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.</p>
19.12.	<p><u>PUBLIC PARTICIPATION</u></p> <p><i>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.</i></p> <p>(amended by OPA No. 273 - approved 03/03/17)</p>
19.12.1. Matters Subject to Public Participation	<p>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, and 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, and vacant land condominiums, as described in policy 19.15.7.</p> <p>(amended by OPA No. 273 - approved 03/03/17)</p>
19.12.2. Forms of Public Participation	<p>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.</p>
19.12.3. Public Liaison Notice <u>Notice of Application</u>	<p>A public liaison notice containing information on the planning proposal, the intent to notify individuals of a public meeting(s), and a request for comments, will be given in the form identified in policy 19.12.5., a minimum of thirty (30) days prior to the public meeting; or, in the case of the adoption or amendment of a Zoning By-law, a minimum of twenty (20) days prior to the public meeting.</p> <p><u>Within fifteen (15) days after an affirmative notice is provided 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.</u></p>
19.12.4. Advance Notice of Public Meeting <u>and Open House</u> <u>Five Year Review and Development Permit System</u>	<p>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, <u>or a vacant land or common element condominium,</u> 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)</p> <p><u>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.</u></p>
19.12.5.	

Manner of Notice	Notice of public meetings, <u>open houses</u> and public liaison shall be given by:
Newspaper	i) publication in a local newspaper having general circulation <u>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;</u> and/or
Mail or Delivery	i. 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	vi) 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.
19.14.	<u>PROVINCIAL POLICY STATEMENTS AND OTHER RELEVANT LEGISLATION</u> <i>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.</i>
19.14.1. Provincial Policy Statements	Council will have regard to provincial policy statements on matters of provincial interest, in accordance with the provisions of the <i>Planning Act</i>. <u>In exercising its authority over planning matters addressed by this Official Plan, the decisions of Council:</u> i) <u>shall be consistent with the policy statements issued under Subsection 3(1) of the <i>Planning Act</i> that are in effect on the date of the decision; and</u> ii) <u>shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.</u>
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 <i>Planning Act</i> .

<p>Other Provincial Policy Statements</p>	<p>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 <i>Planning Act</i>.</p>
<p>19.14.2. Other Relevant Legislation</p>	<p>Council, in implementing the objectives and policies of the Plan, shall have regard to the requirements of the <i>Municipal Act</i>, the <i>Environmental Assessment Act</i>, the <i>Ontario Water Resources Act</i>, the <i>Environmental Protection Act</i>, the <i>Ontario Heritage Act</i>, the <u><i>Endangered Species Act</i></u>, and other relevant legislation having a bearing on land use planning, and planning-related matters.</p>
<p>19.15.</p>	<p><u>PLANS OF CONDOMINIUM</u></p> <p><i>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.</i></p>
<p>19.15.1. Standard Condominium Policies</p>	<p>The following policies shall apply to consideration of an application for a standard condominium:</p> <ul style="list-style-type: none"> 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.
<p>19.15.2. Common Elements Condominium Policies</p>	<p>The following policies shall apply to consideration of an application for a common elements condominium:</p> <ul style="list-style-type: none"> 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.
<p>19.15.3. Phased Condominium Policies</p>	<p>The following policies shall apply to consideration of an application for a phased condominium:</p> <ul style="list-style-type: none"> 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.

<p>19.15.4. Vacant Land Condominium Policies</p>	<p>The following policies shall apply to consideration of an application for a vacant land condominium:</p> <ul style="list-style-type: none"> 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.
<p>19.15.5. Condominium Guidelines</p>	<p>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.</p>
<p>19.15.6. Conditions</p>	<p>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 <i>Planning Act</i>. The applicant will be required to meet conditions of draft plan approval within a specified time period, failing which, draft plan approval will lapse.</p>
<p>19.15.7. Public Participation</p>	<p>Proposals for draft plan approval of certain classes of vacant land condominiums, as may be defined in Condominium Guidelines, shall be subject to the public notice and public meeting requirements of subsection 51(20) of the <i>Planning Act</i>, and Sections 3, 4 and 5 of Ontario Regulation 196/96</p> <p>(Added by OPA No. 273 - approved 03/03/17)</p>