

## CHAPTER 10: IMPLEMENTATION AND INTERPRETATION

Implementation and interpretation is the part of the planning process which involves putting the plan into effect by allocating resources such as staff, public works and capital budget programming.

### 10.1 LOCAL/REGIONAL JURISDICTION

- 10.1.1 This Plan is a legal document prepared in accordance with the statutory powers and responsibilities vested in the Township by the Province and the Region. All public works carried out in the Township and all municipal by-laws passed for any purpose must conform to this Plan.
- 10.1.2 This Plan will be used as the basis for planning and for managing growth and development in the township. The policies of this Plan will affect all development, redevelopment and use of land within the township.
- 10.1.3 The effect of Federal and Provincial legislation in granting exemptions from compliance under this Plan for specified undertakings is acknowledged. However, the Township will strive through consultation to gain the full support of Federal and Provincial and Regional agencies in attaining the objectives of this Plan.
- 10.1.4 Other government agencies will have regard to this Plan in preparing and administering plans and programs which may affect the Township.
- 10.1.5 The private sector is encouraged to refer to this Plan when developing plans and programs which affect areas of Township interest.
- 10.1.6 The Township considers the policies of this Plan, as approved by the Region, to be appropriate Township interpretations consistent with the Provincial Policy Statement, and in conformity with the Regional Official Plan and the *Province's* Growth Plan for the Greater Golden Horseshoe.
- 10.1.7 References to specific sections within the Regional Official Plan are made within this Plan. These references, if amended, deleted or renumbered, shall not create the need to amend this Plan. The reference shall be interpreted to incorporate the relevant changes to the Regional Official Plan.
- 10.1.8 This Plan contains references to the Regional Official Plan. All such references will be interpreted as referring to the text and mapping of the Regional Official Plan as approved by the *Province* on December 22, 2010.
- 10.1.9 Notwithstanding Policy 10.1.8, it is recognized that the Regional Official Plan may change through future approvals by the Ontario Municipal Board or through future adoption by Regional Council. In the event that changes are made to the Regional Official Plan through either the approval by the Ontario Municipal Board or by future amendment, this Plan will be brought into conformity with the Regional Official Plan by means of appropriate housekeeping amendments.

## 10.2 INTERPRETATION

- 10.2.1 This Plan was prepared by the Township of Wellesley in accordance with the Planning Act, and is to be read in conjunction with the Regional Official Plan.
- 10.2.2 The text, tables, maps, schedule and glossary of terms contained in this Plan constitute the Township's Official Plan. This Plan is intended to be read in its entirety, and all relevant policies, maps and schedules are to be applied to each situation.
- 10.2.3 The policies contained in this Plan are intended to provide a statement of the intentions of Township Council. If clarification of any policy is necessary, reference should be made to the preambles and goals of this Plan.
- 10.2.4 Where differences of opinion arise as to the meaning of any part of this Plan, an interpretation may be made by Township Council after hearing all interested parties. Where such interpretation is not accepted by any interested corporation or person, such corporation or person is free to apply to the Courts or other body having jurisdiction for a judicial interpretation.
- 10.2.5 Where a parcel of land is subject to one or more designations on a map in this Plan, development proposals will be reviewed in accordance with all the policies of the applicable designation, but where conflict exists between these policies, the more restrictive policies will prevail to the extent of the conflict. In the case of a discrepancy between the policies and the related map, the policies will take precedence. In the event of a conflict between this Plan and the Regional Official Plan, the more restrictive provision will apply.
- 10.2.6 The boundaries shown on the maps in this Plan will be interpreted as follows:
- a) the urban land use designations as shown on Maps 2 and 4 will be interpreted as being definitive;
  - b) where the boundaries of the Wellesley Urban Area, Rural Settlement Areas and Rural Employment Areas coincide with such physical features as roadways, rivers and other defined geographical features, the boundaries will be deemed to be the centre line of that feature;
  - c) the environmental land use designations as shown on Map 7, are based on more detailed mapping contained in the Region's Technical Appendix for Landscape Level Systems and Core Environmental Features. The interpretation of these boundaries will be in accordance with the provisions set out in the Regional Official Plan; and,
  - d) the boundaries of the various natural resource areas as shown on Maps 3, 7, 8, and 9 will be interpreted through the development review process.
- 10.2.7 Where any Act or portion of an Act is referred to in the Plan, such references shall be interpreted to refer to any subsequent renumbering of the sections in the Act and/or changes in the date of the Act.

### 10.3 AMENDMENTS TO THIS PLAN

- 10.3.1 Notice of amendments to this Plan will be given in accordance with the procedures as provided for in the Planning Act.
- 10.3.2 In considering amendments to this Plan, the Township will be guided by the following:
- a) need for the proposed change;
  - b) effect of the proposed change on the demand for Township services and facilities;
  - c) implications the amendment may have on other policies of the Plan;
  - d) impact of the proposed change on the Township's ability to achieve the goals and policies and density and *reurbanization* targets expressed in this Plan, or on other Township policies, programs or interests; and,
  - e) impact of the proposed change on the Township's ability to implement the policies and achieve the density and *reurbanization* targets expressed in this Plan, or on other Township policies, programs or interests.
- 10.3.3 Technical revisions to this Plan will not require an amendment to this Plan provided they do not change the intent of the Plan. Technical revisions include:
- a) changing the numbering, cross-referencing and arrangement of the text, tables and schedules;
  - b) altering punctuation or language for consistency; and
  - c) correcting grammatical, dimensional and boundary, mathematical or typographical errors.
- 10.3.4 Where new mapping information is provided by the *Province*, the Region or the GRCA any affected maps in this Plan will be reviewed and updated as part of the five-year review of this Plan, or the completion of a review as otherwise initiated by Township Council.
- 10.3.5 The Township will undertake a review of the policies of this Plan where judicial decisions, Ontario Municipal Board decisions, and/or changes to legislation or Provincial Policy Statement warrant such a review. The Township will consider amendments to this Plan as appropriate to implement the results of this review.
- 10.3.6 The Township will undertake a review, and if necessary amend this Plan at least once every five years to ensure that:
- a) the policies, density and *reurbanization* targets of this Plan are being met or exceeded;

- b) the goals and policy directions remain realistic and appropriate with regard to changing social, economic, environmental and technological circumstances;
- c) this Plan conforms with applicable Provincial Plans and the Regional Official Plan;
- d) the Plan remains consistent with the Provincial Policy Statement; and
- e) this Plan is consistent with any judicial decisions, Ontario Municipal Board decisions and/or changes to Provincial legislation.

10.3.7 A comprehensive review of the fundamental principles of this Plan will be conducted following the comprehensive review of the Regional Official Plan.

#### **10.4 ZONING BY-LAW**

10.4.1 It is intended that the Council of the Township shall bring a comprehensive Zoning By-law into effect in accordance with the provisions of the Planning Act. Such by-law shall zone land in accordance with the proposals contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures.

#### **10.5 MONITORING AND REVIEW**

10.5.1 It is the intent of this Plan to provide for continuous monitoring and review to ensure that this Plan remains current and addresses significant issues or changes in planning thought, to ensure the effectiveness, viability and relevance of the objectives and policies of this Plan.

10.5.2 To provide information for the on-going evaluation of policies, and comprehensive reviews of this Plan, the Township will assist where feasible, in the Region's efforts to carry out a program of research to identify the changing social, economic and physical needs of the residents of the region and the consequences of technological improvements that may affect the programs and policies of the Region.

10.5.3 The Township will monitor characteristics and trends in the growth and change of major land uses and demographics in the township including:

- a) the supply of *existing* and potential housing stock by type, including *affordable housing*, to accommodate the varying needs of the township's residents;
- b) the supply of vacant employment land to accommodate job creation in keeping with the employment forecasts in this Plan; and
- c) the general demographic, economic, employment, social and technological information and trends that may affect aspects of this Plan.

- 10.5.4 The information collected through Policy 10.5.3 will be used in the review of this Plan as provided for in Policy 10.3.6 and Policy 10.3.7. If a review of this Plan identifies appropriate changes to the Plan, then amendments will be brought forward for Council consideration in accordance with the provisions of the Planning Act.

## **10.6 FINANCIAL MANAGEMENT**

- 10.6.1 The implementation of this Plan must be financially viable. This Plan shall be managed to ensure that the required capital expenditures to provide the services for development and improvement are paid in an equitable and appropriate manner. The Township plays a role in ensuring optimal service delivery and in implementing the Plan. The following policies shall apply to financial management and implementation of this Plan:
- a) the Township shall recover all eligible growth-related capital costs through development charges, in accordance with Provincial legislation.
  - b) the Township may pass development charges by-laws that apply to the Township, as a whole and/or that apply to specific geographic areas within the Township.

## **10.7 PUBLIC PARTICIPATION**

- 10.7.1 The Township will provide opportunities for public participation in the development, implementation and monitoring of Township planning policies in accordance with this Plan, the Planning Act, the Environmental Assessment Act and other relevant legislation.
- 10.7.2 In public participation programs associated with a comprehensive review of this Plan, or major amendments hereto, the Township will endeavour to:
- a) solicit public input through a public participation program;
  - b) demonstrate how comments from the public have been considered in the development of planning policy and decisions; and,
  - c) ensure that the public participation process is flexible to allow for changes as necessary.

## **10.8 IMPLEMENTATION PLANS**

- 10.8.1 Implementation Plans are recognized as statements adopted by resolution of Council which detail the manner in which policies established in this Plan will be implemented. The content and scope of these Implementation Plans are determined by the Township, and will be in conformity with the provisions of this Plan and the Regional Official Plan and amendments thereto and will be prepared in consultation with the Region, appropriate agencies and the public.

10.8.2 Implementation Plans will not be used to introduce new policy directions, which could be used for the basis for denying applications under the Planning Act, or for interfering with the natural justice rights of landowners or the public.

10.8.3 Implementation Plans may include, but are not limited to:

- a) Strategic plans;
- b) *watershed* and master drainage plans;
- c) results of a *community planning process* not adopted by amendment to this Plan;
- d) staging programs for public works;
- e) servicing design criteria;
- f) transportation standards and priorities; and,
- g) technical documentation.

10.8.4 An opportunity will be provided to all persons having an interest in proposed Implementation Plans to make representations to Council or to a Committee of Council.

10.8.5 Prior to the adoption of any specific Implementation Plans in accordance with the provisions of this Section, any actions taken by the Township relating to such matters will be in accordance with existing practices previously approved by Council.

## **10.9 DEVELOPMENT APPLICATION REVIEW**

10.9.1 The Township will provide comments to the Region, adjacent Municipalities or other applicable agencies with respect to matters of Township significance or interest relating to *development applications* submitted in accordance with the Planning Act or other Provincial or Federal legislation. These comments will be provided in accordance with the procedures established by the Province, the Ontario Municipal Board or other legal authority.

10.9.2 In accordance with the provisions for complete applications under the Planning Act, the Township will require the following additional information and material to assist in the review of applications for Official Plan amendments, Zoning By-law amendments, consent applications and *site plan* applications:

- a) a completed application form;
- b) the prescribed application fee;
- c) prescribed information and material as required under the Planning Act;

- d) a planning report outlining how the proposed application is consistent with this Plan, the Regional Official Plan, Provincial Plans, the Provincial Policy Statement and any other applicable planning document or statutes;
- e) appropriate drawings, concept plans and/or plans of survey; and
- f) any studies and reports listed in Policy 10.9.3 that may be necessary to review the application as determined by the Township or other agencies through a *pre-submission consultation meeting*, except consent applications.

10.9.3 In considering applications for Official Plan amendments, Zoning By-law amendments or *site plan* applications, the Township may require the studies and reports identified in Schedule 'A' and any other studies or reports that may be identified through a *pre-submission consultation meeting*, in order for the applications to be deemed complete at the discretion of the Township.

10.9.4 Any studies or reports submitted in accordance with Policy 10.9.3 will subject to the following requirements to be deemed complete:

- a) the content and necessity of the information will be in keeping with the scope and complexity of the application;
- b) the information must be prepared by a qualified professional retained by and at the expense of the owner/applicant;
- c) the information must be in accordance with any applicable Township, Regional or Provincial guidelines; and
- d) the information must be submitted in an appropriate digital format, if requested by the Township.

10.9.5 The Township may conduct a peer review of the reports and studies listed in Policy 10.9.3 where necessary, to determine whether the quality of the submission is satisfactory. Such peer reviews will be completed by an appropriate agency or professional consultant retained by the Township at the owner/applicant's expense. The Township may refuse the studies and reports if it considers the quality of the submission unsatisfactory.

10.9.6 The Township will encourage, in consultation with the Region and other appropriate agencies, the review of draft approved subdivisions every three years to determine if the draft approval should be maintained, and as a result of this review, modify the conditions of draft approval as required.

10.9.7 The Township Council may consider delegating, where appropriate, approval authority and the ability to recommend conditions of approval to appropriate delegates as a means to streamline the development approvals process.

10.9.8 The Township may, by by-law, require a *pre-submission consultation meeting* between the applicant, the Township, the Region and other appropriate agencies

prior to submission of an application for an Official Plan amendment, Zoning By-law amendment, or a *site plan* application in accordance with the Planning Act.

- 10.9.9 The Township may deem applications for Official Plan amendments, Zoning By-law amendments or *site plan* applications premature for acceptance for processing under the Planning Act in the absence of demonstrated pre-submission consultation between the applicant, the Township, the Region and other appropriate agencies.
- 10.9.10 The Township encourages the concurrent submission and processing of related *development applications*.
- 10.9.11 The Township, in consultation with the Region and other appropriate agencies, will develop guidelines for the review of *development applications* which:
- a) establish and monitor general time frames and procedures for development approvals;
  - b) identify means of increasing the efficiency and effectiveness of the planning approval process;
  - c) update approval procedures based on the review; and,
  - d) annually prepare a report to Council on the results of the review.
- 10.9.12 The Township will maintain a *Development Applications* in Process Status Report and report to Council annually with the results.
- 10.10 SITE PLAN CONTROL**
- 10.10.1 All lands within the township shall be deemed to be a Site Plan Control Area and shall be applicable to all development excluding:
- a) development proposed in conjunction with farm operations, farm buildings and the residence of the farm operator for agricultural purposes;
  - b) single detached, semi-detached, and duplex dwellings, except where such dwellings are:
    - i. proposed within or *contiguous* to any *environmental features* identified in Section 8.1.5 of this Plan; or
    - ii. included in a draft plan of condominium application, or forming part of a zero lot line, linked housing, or other similar innovation in housing developments.
- 10.10.2 Drawings showing plan, elevation and cross-section views may be required for all proposed development and adjacent buildings to be erected, including all buildings to be used for residential purposes regardless of the number of units within the Site Plan Control Area outlined in Policy 10.10.1 above. Any required elevation drawings will include matters of massing, conceptual building design,



interior walkways and the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access, as well as matters relating to exterior and *sustainable* design including, without limitation, the character, scale, appearance and design features of buildings, and the *sustainable* design elements on any adjoining street or highway under the Township's jurisdiction set out in Section 41(4)(e) of the Planning Act.

- 10.10.3 For the purpose of Site Plan Control, building appearance will include the design, shape and coordination of architectural features such as balconies, cornices, banding, building materials, colour, dormers, frieze, parapet, windows, and any other design feature that affects the appearance of the building and exterior façades.
- 10.10.4 Widening of highways may be required as a condition of *site plan* approval for all development within the Site Plan Control Area *abutting* a Regional Road described in Schedule 'A' (Designated Road Allowances) of the Regional Official Plan.
- 10.10.5 The Township may enter into such agreements as may be necessary to secure appropriate conditions of Site Plan approval pursuant to the provisions of the Planning Act.
- 10.10.6 The Township Council shall consult with the Region when considering applications for Site Plan approval to ensure that Regional conditions requested pursuant to the provisions of the Planning Act are appropriately satisfied.

## 10.11 HOLDING PROVISIONS

- 10.11.1 Holding provisions may be utilized by the Township for those situations where it is necessary or desirable to zone lands for development in advance of the fulfillment of specific requirements and conditions, and where the details of the development have not yet been fully resolved. These details include:
- a) a Record of Site Condition being submitted to the *Province*, and any associated remedial works of properties, where remedial work is required to allow the continued use or reuse of a site;
  - b) measures to appropriately protect the natural environment;
  - a) phasing of development or future subdivision of lands;
  - b) the provision of school sites;
  - c) the provision of municipal *infrastructure*;
  - f) measures to appropriately *conserve cultural heritage resources*;
  - g) demonstrating compliance with the Provincial D-Series Guidelines and other applicable Provincial guidelines on land use compatibility;

h) completion and registration of any development agreement under Section 37 of the Planning Act that is satisfactory to the Township;

i) completion and registration of any cash-in-lieu of parking agreement under Section 40 of the Planning Act that is satisfactory to the Township;

10.11.2 Holding provisions will be applicable to all land use categories in this Plan and may be applied through the Township Zoning By-Law to any zoning category or specific land use within a zoning category.

10.11.3 Holding provisions may be applied township wide, to portions of the Township such as lands within a specific service area, drainage shed, Rural Settlement Areas, Rural Employment Areas, the Wellesley Urban Area, or on a site specific basis.

10.11.4 Implementation of township-wide holding provisions may be by way of both general Township Zoning By-Law and/or site specific zoning by-Laws, and do not require amendment to this Plan to enact a holding by-law or remove the holding symbol.

10.11.5 Interim uses permitted while the holding provision is in place shall include:

a) *existing* uses; and,

b) other uses deemed appropriate by Township Council which do not adversely affect the future development potential of the lands consistent with the rationale for which the holding provision has been applied.

10.11.6 In order to use the holding symbol under these policies, the following requirements will be clearly outlined in the implementing Zoning By-Law:

a) conditions that must be met before the holding symbol is removed; and,

b) applicable criteria for assessing that a requirement or condition has been met.

## **10.12 CONDITIONAL ZONING**

10.12.1 As provided under Section 34 of the Planning Act, the Township has the authority to impose prescribed conditions on a specific property when passing a zoning by-law. To date, the *Province* has not yet passed the necessary regulations that will identify the scope of conditions municipalities may impose on zoning.

10.12.2 When regulations have been passed by the *Province* identifying the scope of conditions that municipalities may apply on development, the Township may pass a by-law under Section 34 of the Planning Act to permit the use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location of the building including:

a) requiring an owner of land to which the by-law applies to enter into an agreement relating to the condition;

- b) requiring the agreement to be registered against the land to which it applies, and
- c) enforcing the agreement against the owner and subject to the Registry Act and the Land Titles, any and all subsequent owners of the land.

## **10.13 PROPERTY STANDARDS BY-LAW**

10.13.1 Township Council may pass a by-law to establish minimum property standards to conserve sustain and protect existing and future development of the Township. The Property Standards By-law, applicable to all properties, shall contain requirements with respect to:

- a) garbage disposal;
- b) pest prevention;
- c) structural maintenance of buildings;
- d) safety of buildings;
- e) cleanliness of buildings;
- f) services to buildings - plumbing, heating, and electricity;
- g) maintenance of yards, lands, parking, storage, loading and unloading areas, including the removal of rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- h) maintaining fences, swimming pools, accessory buildings, and signs; and,
- i) Occupancy standards.

10.13.2 If a Property Standards By-law is passed, the Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-law. The Township shall appoint a property standards committee, in accordance with the Planning Act, for the purpose of hearing appeals against orders of the Property Standards Officer.

10.13.3 The measures to be used generally in achieving the property maintenance program would include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

10.13.4 Complementary to the enforcement of standards on private properties, the Township will undertake to keep in a fit and well-mannered condition all municipally owned properties and structures.

**10.14 INTERIM CONTROL BY-LAW**

10.14.1 Interim Control By-laws may be used by the Township to restrict development in areas subject to certain studies such as servicing feasibility studies, parkland feasibility studies, etc.

10.14.2 In accordance with the Planning Act, where the Council has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the Township, or any defined area or areas, the Council may pass an Interim Control By-law.

10.14.3 The By-law may prohibit the use of land, buildings or structures for, or except for such purposes as set out in the By-law.

**10.15 BONUSING**

10.15.1 Council may pass a by-law in accordance the Planning Act, to authorize increases in height and density of development in return for the provisions of certain facilities, services or other matters outlined in the by-law.

10.15.2 Such a by-law shall identify areas or Zone categories where the bonus provisions would apply, and shall specify the amount by which the height or density of the development would be permitted to increase. Council will give consideration to proposals to increase the height and/or density for a specific site, but such proposals may not necessarily be granted.

10.15.3 When considering such proposals, Council shall have due regard to the compatibility and scale of the proposed development in relation to the *existing* land uses, and to the cumulative impact resulting from granting bonuses in the general area.

10.15.4 The facilities, services, or other matters that are required in the by-law may include, but shall not be limited to, the provisions of *affordable housing* units to meet established housing targets, day care centres/facilities, parkland beyond the legislated requirements, hard servicing facilities (sanitary and storm sewers and watermains) above and beyond those required to service the development, increased buffering or landscaping, the use or re-use of vacant land and/or buildings (particularly in the Urban/ Settlement Core Areas), the preservation of heritage buildings and/or *cultural heritage landscapes*, the provisions of community or recreational facilities, open space, and the redevelopment of lands.

10.15.5 Generally, the use of this Section shall only be considered in conjunction with medium and/or high density residential developments, and/or *mixed-use* commercial/residential projects.

**10.16 ENACTMENT OF MISCELLANEOUS BY-LAWS**

10.16.1 Council will review legislation pertaining to or affecting the use or redevelopment of land and, where necessary, amend existing by-laws or pass new by-laws to ensure that such matters are properly regulated and controlled.

**10.17 CONSTRUCTION OF PUBLIC WORKS**

10.17.1 The construction of public works within the Township shall be carried out in accordance with the policies of this Plan.

**10.18 USES PERMITTED IN ALL DESIGNATIONS**

10.18.1 The following uses will be permitted in all designations within the Township except where they are expressly prohibited or precluded by any other policy of this Plan or the Regional Official Plan:

a) public roads, public parks and other non-intensive recreational facilities, public utilities such as local water supply, sewage, and drainage facilities, gas, telephone and cable television transmission utility services, subject to any regulatory requirements such as the provisions of the Environmental Assessment Act. The location of such uses should be justified and the use should be compatible with the surrounding uses.

b) Electric Power Facilities

The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate electric power. Such facilities are permitted provided that:

- i) the provisions of the Environmental Assessment Act, including regulations made under the Act, and any other relevant statute are satisfied;
- ii) the relevant Hydro utility takes into account the Township's Official Plan policies in developing their own programs;
- iii) Township Council is consulted prior to conducting any undertaking.

c) Telecommunications Facilities

In locating new telecommunications facilities and transmission towers and related above-ground infrastructure, the locational and design requirements of the facility shall be balanced with the need to preserve the natural and cultural landscape and minimize the impact on the community. Such facilities may be permitted provided that:

- i) an adequate public consultation process has been followed;
- ii) municipalities within 500 metres of the proposed facility site have been consulted;
- iii) a site selection/planning report has been prepared;

- iv) the structures have been designed to minimize visual impact and to avoid disturbance of significant natural features;
- v) appropriate approvals have been obtained from the relevant public agencies.

d) *Accessory Uses, Buildings and Structures*

Any use, building or structure which is normally incidental and subordinate to a permitted use shall be permitted on the same lot as the permitted use, subject to the regulations of the zoning by-law, and provided adequate water supply and waste disposal facilities are available.

10.18.2 Uses permitted in all designations will be regulated through the Township Zoning By-law and any applicable legislation.

## 10.19 LAND USES PROHIBITED IN ALL DESIGNATIONS

10.19.1 The following uses are prohibited in all designations in this Official Plan:

- a) uses that are noxious, polluting either directly or indirectly, or, produce or store hazardous substances;
- b) recycling and/or the storage of contaminated materials;
- c) uses that are prohibited pursuant to the provisions of the Environmental Protection Act.

10.19.2 The Zoning By-law shall incorporate provisions setting out those uses which are prohibited in all zone categories.

## 10.20 EXISTING USES

10.20.1 Notwithstanding the provisions of this Plan, it is the policy of the Township that any lands used for any legally *existing* purpose in any designation for which no provision is made by this Plan for such activity to be undertaken, may continue to be used for such purpose.

10.20.2 Subject to the provisions of Chapters 2 to 10 inclusive of this Plan, Council may pass by-laws or otherwise facilitate the continuation, extension or enlargement of such uses within the confines of the lands on which the activity is located without amendment to this Plan, provided that:

- a) the *existing* use is an appropriate use of such lands and its continuation, enlargement or extension will not have a detrimental impact on the surrounding land uses; and
- b) such actions by Council do not provide for the expansion of the *existing* use onto adjoining lands.

- 10.20.3 Notwithstanding Policy 10.20.2, Council may pass by-laws or otherwise facilitate or encourage the relocation of an *existing* use where any of the following conditions exist:
- a) the use is located within lands designated as an Environmental Constraint Area within this Plan and the continuation of this use poses a threat to the health and safety of residents or users of the property;
  - b) the *existing* use is incompatible with *existing* or proposed uses on the surrounding lands;
  - c) the buildings, facilities or infrastructure of the *existing* use are inadequate, obsolete, or structurally unsound;
  - d) the *existing* use would benefit from relocation; or,
  - e) the site or facilities of the *existing* use are required for public purposes.

## 10.21 TEMPORARY USES

- 10.21.1 The Municipality may pass a temporary use by-law to allow a use otherwise prohibited by the Zoning By-law. A temporary use by-law will define the land or lands to which it applies, and shall prescribe the period of time during which it is effect, which shall not exceed three years from the day of the passing of the by-law. Council may extend this period by passing further by-laws. Temporary use by-laws shall not be passed for the purpose of permitting uses that are not in conformity with this Plan. In enacting a temporary use by-law, Council shall consider the following:
- a) the compatibility of the proposed use with the surrounding land uses;
  - b) the adequacy of any services that may be required for the proposed use;
  - c) access and parking requirements;
  - d) traffic impacts; and,
  - e) the conformity of the proposed use with the policies of this Plan.
- 10.21.2 Notwithstanding Policy 10.21.1, the initial by-law authorizing the temporary use of a garden suite may be approved for a period of up to twenty years.
- 10.21.3 The Township may enter into an agreement with a property owner and/or other parties concerning the temporary use.
- 10.21.4 Where an authorized temporary use is discontinued prior to the expiry of the authorizing by-law, the use will not be resumed.

**10.22 SPECIAL POLICY AREAS**

10.22.1 Special Policy Areas may be established by Council to designate areas subject to specific constraints to development, policy exceptions, or which would require the submission of specific studies prior to consideration of a development approval.