

## CHAPTER 19

### IMPLEMENTATION POLICIES

#### 19.1 PUBLIC PARTICIPATION AND ENGAGEMENT

- 19.1.1 The public will be encouraged to attend Committee of the Whole and Council meetings and be given opportunity to express their opinions relative to any planning matter.
- 19.1.2 News media will be encouraged to attend and report on planning matters as they appear before the Committee of the Whole and Council.
- 19.1.3 Committee of the Whole will receive and carefully consider any petition or submission made and dealing with any planning matter.
- 19.1.4 The Township will provide opportunities for public, agency and stakeholder input during:
- a) The review of this Plan, and the development of new policies;
  - b) Monitoring of the effectiveness of the policies of this Plan;
  - c) The review and development of zoning by-laws;
  - d) *Development application* review processes, where applicable;
  - e) The preparation and/or review of neighbourhood planning studies, *Community Improvement Project Plans* and other planning studies; and
  - f) Any other planning process where the Township seeks public involvement.
- 19.1.5 The opportunities for public, agency and stakeholder participation outlined in Policy 19.1.4 will be in accordance with this Plan, the Planning Act, the Environmental Assessment Act, the Accessibility for Ontarians with Disabilities Act and other relevant legislation, policy and regulations.
- 19.1.6 When *development applications* for amendments to both this Plan and the Regional Official Plan are required, Township Council may hold a joint public meeting with the Region of Waterloo to consider both applications concurrently to streamline the process and to simplify public consultation.

- 19.1.7 When a public open house or community meeting is required, the Township will select locations consistent with the standards of the Accessibility for Ontarians with Disabilities Act, and will include places accessible to a broad cross section of stakeholders including, but not limited to:
- a) public gathering places such as community centers, libraries, and public recreational facilities such as arenas, pools or parks;
  - b) special events where people congregate, such as festivals, cultural events and farmers markets; and
  - c) where possible, geographically appropriate and convenient to the area of the Township most impacted by the land use planning matter under consideration.
- 19.1.8 In accordance with the provisions of the Planning Act, the Township will provide summarized feedback to all participants and/or citizens at large to explain the effect of the public input on the Township's planning decision.
- 19.1.9 The Township will utilize, where appropriate, the internet, social media (Facebook, Twitter etc.) to solicit information from the public as well as advice and educate the public regarding *development applications*.

## **19.2 INTERPRETATION**

- 19.2.1 This Plan was prepared by the Township in accordance with the Planning Act and is to be read in conjunction with the Regional Official Plan.
- 19.2.2 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.
- 19.2.3 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.
- 19.2.4 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.

19.2.5 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.

19.2.6 The boundaries shown on the maps in this Plan will be interpreted as follows:

- a) The urban land use designations as shown on Maps will be interpreted as being definitive;
- b) Where the boundaries of Urban Areas, Township Urban Areas, Rural Settlement Areas, or 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 in Chapter 13 are based on more detailed mapping contained in the Region's Implementation Guideline entitled "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 in Chapter 13 will be interpreted through the development review process.

19.2.7 Where any Act or portion of an Act is underlined and referred to in this Plan, such references shall be interpreted as being the current Act in full force and effect, including any subsequent renumbering of the sections in the Act, amendments/additions to the Act and/or changes in the date of the Act.

19.2.8 Where the Zoning By-law is referred to in this Plan, such reference shall be interpreted as being the current Township of Woolwich Comprehensive Zoning By-law, as amended and in full force and effect

### **19.3 AMENDMENTS TO THIS PLAN**

19.3.1 Notice of amendments to this Plan will be given in accordance with the procedures as provided for in the Planning Act.

- 19.3.2 In considering amendments to this Plan, the Township will be guided by the following:
- a) The need for the proposed change;
  - b) The effect of the proposed change on the demand for Township services and facilities;
  - c) The implications the amendment may have on other policies of the Plan;
  - d) The 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) The impact of the proposed change on the Region's ability to achieve the principles and policies expressed in the Regional Official Plan, or on other Regional policies, programs or interests.
- 19.3.3 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.
- 19.3.4 The Township will revise this Plan as required no less frequently than 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 regarding changing social, economic, environmental and technological circumstances;
  - c) This Plan conforms with applicable Provincial Plans and the Regional Official Plan, or does not conflict with them;
  - d) The Plan remains consistent with the Provincial Policy Statement; and
  - e) This Plan is consistent with any judicial decisions, Local Planning Tribunal (LPAT) decisions and/or changes to provincial legislation.
- 19.3.5 If the Township replaces this Plan with a new Official Plan, the Township will initiate the revisions set out in Policy 19.3.4 no less frequently than 10 years after the new Official Plan comes into effect, and every five years thereafter.

## **19.4 MONITORING AND REVIEW**

- 19.4.1 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.
- 19.4.2 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.
- 19.4.3 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.

## **19.5 SITE PLAN CONTROL AREAS**

- 19.5.1 Preparation of site plans and site plan control agreements may be required for substantial *development* or redevelopment within the planning area of the Township and shall be registered on title. For the purposes of this Section 19.5 shall mean, *development* shall have the same meaning as defined in Section 41 of the Planning Act.
- 19.5.2 Council will control the provision of certain site-related facilities and features associated with all *development* through the mechanism of the Site Plan Control By-law as provided for in the Planning Act.

- 19.5.3 Lands subject to site plan control shall consist of all the lands contained within township and may be applicable to all types of *development* or redevelopment, with the exception of the following uses:
- a) Low density residential *development* containing less than 3 units; and
  - b) Agricultural development, including buildings and structures for farm use, large scale greenhouses, cannabis operations and farm-related residences but not including on *farm diversified uses* and *agricultural related uses*; and
  - c) Other buildings and structures deemed appropriate by the Township as referenced in a Site Plan Control By-law.
- 19.5.4 Approval of *site plans* will be required prior to the issuance of building permits for all *development* located in the Site Plan Control Area and not exempt from Site Plan Control as set out in the Site Plan Control By-law.
- 19.5.5 Building permit drawings shall reflect the approved *site plan* building elevations.
- 19.5.6 Coloured elevation drawings showing plan, elevation and cross section views may be required for all proposed *development* and adjacent buildings and for all residential *development* containing greater than two units including boarding houses located in the Site Plan Control Area defined in Section 19.5.3 in accordance with Section 41 of the Planning Act. In addition:
- a) Elevation drawings shall 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 City's jurisdiction set out in Section 41(4)(e) of the Planning Act; and
  - b) For the purpose of Site Plan Control, building appearance shall 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.
- 19.5.7 Notwithstanding 19.5.6 above any proposed *development* or redevelopment within the Site Plan Control Area may not be permitted until such time as the Township has approved drawings showing plan, elevation and cross-section views for all buildings to be erected (including all buildings to be used for residential purposes regardless of the number of units) and for other site *development* works sufficient to display the following:
- a) Elevation and exterior building design considerations including, without limitation:
    - i) Character,

- ii) Scale,
  - iii) Massing,
  - iv) Appearance,
  - v) Design features,
  - vi) Sustainable design, and
  - vii) Signage, where applicable;
- b) Design elements within and/or adjacent to Township and/or Regional right-of-way, including without limitation:
- i) Trees, shrubs and/or hedges,
  - ii) Other plantings and groundcover,
  - iii) Permeable paving materials,
  - iv) Street furniture,
  - v) Curb cuts and driveway ramps,
  - vi) Waste, recycling and composting containers,
  - vii) Bicycle parking facilities,
  - viii) Relation and connections between the private and public areas,
  - ix) Elements on any adjoining street or highway, and
  - x) Public transit facilities, where applicable;
- c) Site *development* works and site design including, without limitation:
- i) Landscaping,
  - ii) Lighting,
  - iii) Grading and drainage,
  - iv) Erosion and sedimentation control,
  - v) Stormwater management design and areas,
  - vi) Barrier-free and universal accessibility,
  - vii) Pedestrian access and bicycle facilities,
  - viii) Loading and parking areas,
  - ix) Facilities for the storage of garbage, recycling and other waste material,
  - x) Outdoor amenity and/or play facilities, where appropriate,
  - xi) Locations for public art, and
  - xii) Signage, where applicable.

19.5.8 Site Plan Control is a key mechanism to implement the Urban Design policies contained in this Plan, subject to the provisions of the Planning Act.

- 19.5.9 Site Plan Control is a key mechanism to implement Council approved Urban Design guidelines. Township approved guidelines shall form the basis for *site plan* approval including the review and approval of building elevations to the satisfaction of the Township.
- 19.5.10 Widening of highways shall be required as a condition of *site plan* approval for all *development* within the Site Plan Control Area abutting those roads described as “Designated Road Allowances” in Schedule 2 of this Plan.
- 19.5.11 The Township may impose conditions in accordance with and outlined in Section 41 of the Planning Act.
- 19.5.12 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.
- 19.5.13 When considering applications for site plan approval, the Township will co-operate with the Regional of Waterloo, to ensure that the Region has been given sufficient opportunity to require the owner of the land to dedicate the land for road widening purposes on roads that fall within the jurisdiction of the Regional Municipality and to require road access permits and agreements, as may be required by the Region, under the provisions of the Planning Act.
- 19.5.14 The Township will require the dedication of parkland, or cash- in-lieu thereof, in accordance with the Planning Act for the redevelopment of existing lands.

## **19.6 ZONING BY-LAW**

- 19.6.1 It is intended that the Council of the Township will bring a comprehensive Zoning By-law into effect in accordance with the provisions of the Planning Act. Such By-law will 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.

## **19.7 DEVELOPMENT REVIEW AND COMPLETE APPLICATIONS**

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

- 19.7.2 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 the submission of applications for Official Plan Amendment, Zoning By-law Amendments, or *site plan* applications in accordance with the Planning Act.
- 19.7.3 The Township will only accept and process complete applications for planning applications for which the Township is the approval authority, and/or for amendments to this Plan. To be deemed complete, an application must satisfy all applicable statutory requirements, all requirements set out in the applicable Township Official Plan and be accompanied by all the *other information and materials* listed in 19.7.11 except where some of these study requirements have been scoped or waived through a *pre-submission consultation meeting* as set out in a Record of Pre-submission Consultation issued by the Director of Engineering and Planning or his/her delegate, pursuant to the Township's Pre-submission Consultation By-law.
- 19.7.4 Prior to the submission of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium, Consent, Site Plan or Site Plan Amendment, the applicant/owner shall pre-consult with the Township and the Region, when applicable, in accordance with this Plan, the Township's Pre-Consultation By-law and the policies in Chapter 10 of the Regional Official Plan.
- 19.7.5 Pre-consultation meetings shall be held with the Township and/or the Region, the applicant/owner and any other government body, public authority and/or external agency as deemed appropriate by the Township and/or the Region. The Township may also require applicants/owners to pre-consult with Provincial Ministries to address the impacts of Provincial legislation, such as the Endangered Species Act, and regulations on the proposed *development*.
- 19.7.6 Any application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium, Consent, Site Plan or Site Plan Amendment shall:
- a) Comply with the statutory complete application submission requirements of the Planning Act and this Plan;
  - b) Include a fully completed application form with all submission requirements and supporting documentation;
  - c) Include the prescribed application fee; and
  - d) Be deemed to be a complete application once all required studies, reports and information are prepared and provided by the applicant/owner, to the satisfaction of the Township and the Region, when applicable.

- 19.7.7 In addition to the studies, reports and information identified during the pre-consultation process, the applicant/owner shall be required to submit any other studies and reports relevant and necessary to the evaluation of the particular application as deemed appropriate by the Township in consultation with the applicant/owner and any other government body, public authority and/or external agency, as deemed necessary by the Township during the application review process or peer review process.
- 19.7.8 The scope, details and timing of required studies, reports and information noted in Section 19.7.7 is dependent on the nature of the proposal, its relationship to adjacent land uses and the type of planning approval. The scope and timing of required studies, reports and information shall be identified by the Township and/or the Region, in consultation with the applicant/owner and any other government body, public authority and/or external agency, as deemed necessary by the Township.
- 19.7.9 Any required studies or reports and any additional studies shall be prepared in accordance with any standards or specifications applicable to the Township and/or the Region of Waterloo, and may, at the Township's and/or the Region's discretion, require a peer review by a qualified consultant retained by the Township and/or the Region at the applicant's/owner's expense.
- 19.7.10 The Township and/or the Region may refuse to accept or further consider an application until a complete application has been prepared.
- 19.7.11 The following studies, reports and information may be required to support a *development application*:
- Planning Rationale/Justification Report;
  - Development Compatibility Assessment;
  - Land Use Plan or Site Plan with a Land Use Summary Table;
  - Sustainable Design/Green Building Report;
  - *Affordable Housing* Report;
  - Urban Design + Architectural Control Guidelines;
  - Retail Impact Study;
  - Market Impact Study;
  - Financial Impact Study;
  - Heritage Impact Statement;
  - Archaeological Assessment;
  - Environmental Impact Study;
  - Environmental Management Plan;
  - Tree Inventory and Preservation Plan;
  - Landscape Plan;
  - Hydrological/Hydrogeological Report;
  - Geotechnical Report;
  - Slope Stability Report;
  - Functional Servicing Plan;
  - Traffic Impact Study;

- Parking Utilization Study;
- Traffic Management Plan;
- Grading, Drainage and Stormwater Management Plan;
- Phase 1 and 2 Environmental Site Assessment or Site Screening Questionnaire;
- Contamination Management Plan;
- Air Quality Study;
- Statement of Conformity with Minimum Distance Separation Formulae and/or Agricultural Assessment;
- Noise and Vibration Study;
- Lighting/Photometric Plan;
- Sun/Shadow Study;
- Cross-Section Drawings/Profiles;
- View and Vista Renderings; and
- Park Facility Fit Plan.

19.7.12 *Other information and materials* submitted in accordance with Policy 19.7.6 are subject to the following stipulations in order to be deemed complete:

- a) The content and necessity of the *other information and materials* will be determined through a *pre-submission consultation meeting* with the Township, Region, and other agencies as required and will be in keeping with the scope and complexity of the application(s);
- b) The *other information and materials* submitted must be prepared by a qualified professional (as defined in applicable legislation or alternatively to the satisfaction of the Township) retained by and at the expense of the owner/applicant; and
- c) The *other information and materials* submitted must be in accordance with any applicable Provincial, Regional or Township guidelines.

19.7.13 The Township may refuse *other information and materials* submitted if it considers the quality of the submission unsatisfactory.

19.7.14 Unless otherwise agreed by the Township, electronic versions of all *other information and materials* submitted and stipulate the format of the digital submission is required.

19.7.15 The Township may require additional information or reports as part of the complete application, in addition to the *other information and materials* where circumstances necessitate such information in the decision-making process.

19.7.16 Through the course of the review process for a *development application* that has otherwise been deemed a complete application, the Township may require additional reports, studies, or information from the owner/applicant to address specific issues to enable Council to make informed decisions.

- 19.7.17 Where this Plan requires a study to be completed in support of a *development application*, such studies will be submitted and approved to the satisfaction of the appropriate agency. If an appropriate agency is not stated as an approval authority, the required studies must be completed to the satisfaction of the Township and the results of such studies will be used to structure conditions of approval.
- 19.7.18 Where this Plan requires a study to be completed in support of a *development application* and the study has been submitted to the satisfaction of the Township or the appropriate agency, the resultant recommendations from the study or studies must be implemented, or secured through appropriate legal agreements, prior to final approval of the *development application*.
- 19.7.19 The Township may conduct a peer review of any *other information and materials* submitted 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.

## **19.8 POLICIES FOR LEGAL NON-CONFORMING USES**

- 19.8.1 As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the intent of this Plan.
- 19.8.2 In some instances, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses. In doing so, regard shall be had to the following options:
- a) The feasibility of acquiring the property for holding, sale, lease or *development* by the Township for a more appropriate permitted use; or
  - b) The possibility of relocating the non-conforming use to another site.
- 19.8.3 If the property is not to be acquired or the use cannot be re-located, the Committee of Adjustment may, without an Amendment to this Plan, allow extensions to a building associated with a non-conforming use. Prior to such approval, the Township shall consider the policies for an Existing Use in Section 19.10 of this Plan.

## **19.9 USES PERMITTED IN ALL DESIGNATIONS**

- 19.9.1 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 Policies Plan:
- a) Any use for the purpose of the Township, the Region, the Government of Ontario or Government of Canada or any department, agency, board or commission thereof, including Hydro One Networks Inc. and the Waterloo North Hydro Commission;

- b) The facilities, other than administrative offices, sales outlets, studios, garages, depots or yards, of any privately-owned public utility, pipeline company or broadcasting company; and
- c) A use accessory to a permitted use.

19.9.2 Uses permitted in all designations will be regulated through the Township Zoning By-law.

## 19.10 EXISTING USES

This Section pertains to legally *existing* uses that do not conform to the policies and land use designations of this Plan. The general approach of this Plan is to encourage uses that do not conform to this Plan to transition to, or to be replaced by uses that conform to the underlying land use designations of this Plan. However, to avoid unnecessary hardship, it may be desirable and appropriate in some cases to recognize certain non-conforming uses as a permitted use in the Township Zoning By-law through a site-specific Zoning By-law Amendment. The Township adopts the following policies related to *existing* uses:

- 19.10.1 The Township may recognize any legally existing uses that do not conform to this Plan as a permitted use in the Zoning By-law by means of a site-specific zoning amendment. Such amendment may be permitted without amendment to this Plan provided that:
- a) The zoning amendment incorporates site-specific regulations relative to the original existing use, similar use, or more compatible use, in addition to the uses permitted in the zone that would implement the land use designation for the lands;
  - b) The existing use is contained to the limits of the land owned at the time of the approval of the Official Plan;
  - c) The use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, and does not interfere with the *development* of conforming uses in the surrounding area; and
  - d) The long-term continuation and potential expansion or extension of the existing use will not detract from the general intent of this Plan.
- 19.10.2 Notwithstanding Policy 19.10.1, Council may pass by-laws or otherwise facilitate or encourage the relocation of a legally existing use that does not conform to the policies and land use designations of this Plan where any of the following conditions exist:
- a) The existing use is located within lands designated as *hazardous lands* or *hazardous sites* in 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.

## 19.11 HOLDING PROVISIONS

The Planning Act provides for Holding Provisions to be used to allow lands to be zoned for specific uses but be delayed from actual *development* until specific conditions or requirements have been fulfilled. Holding Provisions are implemented in the Zoning By-law using a Holding Symbol (“H”) following a specific zone classification or use within a zone. The imposition of the Holding Provision follows the procedure set out for the passing of any Zoning By-law or amendment thereto, under the Planning Act. Removal of the Holding Symbol occurs after fulfillment of the specific requirements as set out in the amending Zoning By-law. Council, in removing the “H” symbol need only give notice of its intent to pass the By-law.

It is not intended that Holding Provisions be applied to lands unless services are anticipated in the near future or appropriate arrangements have been made to provide services. Holding provisions are only intended to be applied to lands where the Council knows precisely what uses will be developed.

This section of the Plan provides for the incorporation of Holding Provisions in the Zoning By-law on a Township-wide and/or site-specific basis.

19.11.1 In using Holding Provisions the Township may support the continued processing of pending applications to general areas or specific properties in advance of the fulfillment of specific requirements and conditions as set out in 19.11.2 below.

19.11.2 Holding Provisions may be utilized by the Township in those situations where it is necessary or desirable to zone lands for *development* in advance of the fulfillment of specific requirements and conditions. These may include but are not limited to:

- 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;
- c) Phasing of *development* or future subdivision of lands;
- d) The provision of school sites;
- e) The provision of municipal *infrastructure*;
- f) Measures to appropriately *conserve cultural heritage resources*;
- f) Demonstrating compliance with the Province’s 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; and
- j) Completion and registration of any cash-in-lieu of parking agreement under Section 40 of the Planning Act that is satisfactory to the Township.

- 19.11.3 Holding Provisions may be utilized by the Township to facilitate the transfer of servicing capacity between parcels of land to the effect that lands capable of *development* and having a servicing commitment are held back from *development* in exchange for allowing *development* to proceed on lands without a servicing commitment.
- 19.11.4 Holding Provisions may be utilized by the Township to facilitate the transfer of servicing capacity between parcels of land to the effect that lands capable of *development* and having a servicing commitment are held back from *development* in exchange for lands having a servicing commitment being allowed to proceed at a higher density.
- 19.11.5 Holding Provisions may be utilized by the Township to support the zoning of lands in advance of development, would result in an increase in density on site exceeding the present capacity of existing services and/or roads.
- 19.11.6 Holding Provisions shall be applicable to all land use designations in the Plan and may be applied through the Zoning By-law to any zoning designation or to a specific land use within a zoning designation.
- 19.11.7 Holding Provisions may be applied Township-wide; to portions of the Township such as lands within a specific settlement, service catchment area, drainage-shed or service pressure zone; as well as to lands within a neighbourhood or on a site-specific basis.
- 19.11.8 The Holding Zoning By-law shall zone the lands for their future intended use and shall identify the lands subject to the Holding Provisions by adding the Holding Symbol “H” to the zoning category or to certain uses within the zoning category indicating that *development* or redevelopment or use of the lands cannot proceed until the symbol “H” is removed.
- 19.11.9 The Holding Zoning By-law shall identify the interim uses of the lands and any applicable regulations until the Holding Symbol has been removed as well as any applicable regulations.

- 19.11.10 In order to use the Holding Symbol under this section the Township must pass an implementing Zoning By-laws to incorporate the following considerations:
- a) What conditions must be met before the Holding symbol can be removed;
  - b) What determines that a condition or requirement has been met; and
  - c) Which level of authority (Township, Region, other Public agencies) has the responsibility of providing clearance that the condition or requirement for removing the Holding Provision has been satisfied.
- 19.11.11 The Holding Zoning By-law shall identify the municipal services, road works, environmental contamination clean-up and environmental impact analysis covered by these policies that are under the jurisdiction of the Regional of Waterloo. A clearance letter will be required from the Region prior to the removal of the Holding provision advising that adequate Regional services are available or acceptable arrangements have been made for the above-noted requirements identified to be under Regional jurisdiction and that are subject to the Holding Zoning By-law.

## **19.12 TEMPORARY USES**

- 19.12.1 It is the policy of the Township that by-laws may be passed in accordance with the provisions of the Planning Act to authorize the temporary use of land, buildings or structures for a period of time not exceeding three years and to permit such temporary use to be continued thereafter for additional periods of time, not exceeding three years each, as determined by Township Council to:
- a) Provide an opportunity for the owner or occupant of land, buildings or structures used for a purpose not otherwise permitted by this Plan to bring the use into conformity with this Plan;
  - b) Provide Township Council with an opportunity to fully assess whether a use which is unfamiliar to Council and which is not otherwise permitted by this Plan should be considered as a conforming use by site specific amendment to this Plan upon the expiry of the temporary authorization, or should be discontinued;
  - c) Provide for the temporary use of vacant land for the purposes of a parking lot which is not otherwise permitted by this Plan pending the *development* of the land;
  - d) Permit the establishment and use of a garden suite on a property; and
  - e) Permit any other use which Township Council deems appropriate on a temporary basis provided the proposed use conforms with this Plan.
- 19.12.2 Notwithstanding Section 19.12.1, the initial by-law authorizing the temporary use of a garden suite may be approved for a period of up to ten years.
- 19.12.3 Where an authorized temporary use is discontinued prior to the expiry of the authorizing by-law, the use will not be resumed.

### **19.13**      **CONDITIONAL ZONING**

- 19.13.1      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.
- 19.13.2      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.