

28. IMPLEMENTATION

The Implementation section of this Plan provides a description of the tools that the Town can use to implement its Official Plan. Basic planning tools, including zoning by-laws and subdivision control, along with more specialized planning tools and mechanisms, such as holding by-laws, bonus by-laws and community improvement plans, will ensure that the Town can achieve its mission statement and guiding principles. Policies for non-conforming uses, required studies, monitoring and review are established in this section.

28.1 Zoning By-laws

28.1.1 Zoning by-laws shall be used to implement the objectives and policies of this Plan by regulating the use of land, buildings or structures in accordance with the provisions of the *Planning Act* and may be more restrictive than the provisions of this Plan. It is not intended that the full range of uses or densities permitted by this Plan will be permitted by the Zoning By-law in all locations.

28.1.2 No zoning by-law shall be approved which would preclude meeting the minimum *intensification* target in section 4.4 or the minimum densities set out in this Plan.

28.2 Holding By-laws

28.2.1 The Town may, in a zoning by-law, affix a holding symbol “H” in conjunction with any zoning category to specify the future use to which lands, buildings or structures may be put once specified *development* requirements have been satisfied and the holding symbol is removed by amendment to the Zoning By-law.

28.2.2 A site-specific holding by-law shall be used to implement this Plan for one or more of the following reasons:

- a) to ensure that certain conditions, studies or requirements related to a proposed zoning change are met;
- b) to achieve orderly staging of *development* or redevelopment, in accordance with municipal and Provincial policies;
- c) to ensure that adequate *infrastructure* and community services and facilities are, or shall be, available in accordance with municipal standards;
- d) to adopt measures to mitigate negative impacts resulting from the proximity of lands to transportation and *utility* corridors, incompatible land uses or any other source of nuisance or hazard to public health and welfare;
- e) to satisfy policies of this Plan related to heritage conservation, site plan control, potentially *contaminated* sites, protection of the natural environment, community

improvement and any other planning matters determined to be relevant to the *development* of the lands;

- f) to achieve the exchange of facilities, services or other matters set out in the bonusing policies of this Plan; and,
- g) to ensure the execution of legal agreements, approval of subdivision plans and/or approval of necessary studies by the appropriate authorities to satisfy any of the criteria set out above.

28.3 Conditional Zoning By-laws

- 28.3.1 The Town may, in a zoning by-law, permit a use of land or the erection, location or use of buildings or structures subject to one or more prescribed conditions on the use, erection or location.

28.4 Interim Control By-laws

- 28.4.1 The Town may pass an interim control by-law in accordance with the *Planning Act* in order to restrict the use of land, buildings or structures within a defined area where *development* pressures warrant the review or study of land use policies.

28.5 Temporary Use By-laws

- 28.5.1 The Town may, in a zoning by-law, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the Zoning By-law.

- 28.5.2 In considering the enactment of a temporary use by-law, the Town shall be satisfied that the proposed temporary use:

- a) is in general conformity with the intent and policies of this Plan;
- b) is *compatible* with adjacent land uses;
- c) is temporary in nature, appropriate for a limited time span and can be terminated when the authorizing by-law expires;
- d) has sufficient services such as water, sewage disposal and roads; and,
- e) does not adversely impact traffic or transportation facilities in the area and provides for adequate on-site parking facilities.

- 28.5.3 No new buildings or expansions to buildings, except for temporary or moveable structures, shall be permitted on lands subject to a temporary use by-law.

28.6 Bonusing (Bonus By-laws)

- 28.6.1 *Development* standards may be incorporated into the Zoning By-law to permit increases in height and/or density of *development*, where such *development* provides public benefits above and beyond what would otherwise be required.
- 28.6.2 The public benefits may include but are not limited to:
- a) public transit *infrastructure*, facilities, services and improved pedestrian access to public transit;
 - b) public parking;
 - c) *affordable housing* for a wide array of socio-economic groups;
 - d) conservation and preservation of *cultural heritage resources*;
 - e) protection and/or enhancement of natural features and functions;
 - f) community centres and/or facilities and improvements to such centres and/or facilities;
 - g) parkland and improvements to parks;
 - h) day care centres;
 - i) public art;
 - j) integration of office uses in mixed use *developments*;
 - k) green buildings; and,
 - l) other local improvements that contribute to the achievement of the Town's building, landscape and urban form objectives as set out in this Plan and supporting documents.
- 28.6.3 The public benefits should generally be provided in the area in which the bonusing is provided.
- 28.6.4 Bonus by-laws should only be considered where such increases can be accommodated by the existing or improved *infrastructure*. Studies supporting the increased height and/or density proposed may be required to address *infrastructure* capacity for the subject *development* as well as the impacts on the surrounding area.
- 28.6.5 Bonus by-laws shall only be considered where such increases are *compatible* with the surrounding area.

28.6.6 Increased height and/or density provisions enacted in the Zoning By-law as outlined above shall specify the *development* standards that would apply where increases are to be permitted in accordance with this Plan.

28.6.7 The Town shall require the execution of agreements for *development*, which include increased height and/or density in exchange for public benefits.

28.6.8 Additional bonusing policies related to individual Growth Areas are contained in Part E.

28.7 Committee of Adjustment

28.7.1 The Town shall appoint a Committee of Adjustment to consider applications in accordance with the *Planning Act*.

28.8 Legal Non-conforming Uses

28.8.1 The use of land, a building or a structure which does not conform to the Zoning By-law but which lawfully existed prior to the approval of the Zoning By-law is a legal non-conforming use. If such legal non-conforming use ceases, then the rights derived from the legal non-conforming use shall terminate.

28.8.2 It is the intention and expectation that non-conforming uses, buildings or structures shall eventually cease and be replaced by uses, buildings or structures that conform with the intent of this Plan and the Zoning By-law. In special circumstances, however, it may be appropriate to consider the extension or enlargement of non-conforming uses.

28.9 Site Plan Control

28.9.1 The entire Plan area shall be subject to site plan control and designated as a site plan control area.

28.9.2 The Town shall, by by-law, identify specific types of *development* subject to site plan control. It may also deem certain types of *development* exempt from site plan control.

28.9.3 Design guidelines may be established to assist in the preparation of site plans and the design of buildings.

28.9.4 The Town may require the owner to fulfill conditions of site plan approval and enter into an agreement or provide an agreement of undertaking with the Town relating to said conditions.

28.10 Land Acquisition and Parkland Dedication

28.10.1 The Town recognizes that public acquisition of *hazard lands*, open space lands and lands designated Natural Area improves opportunities for conservation, protection,

enhancement and stewardship of natural features and the mitigation and management of *natural hazards*.

- 28.10.2 The Town shall require the conveyance of *hazard lands*, open space lands and lands designated Natural Area through the *development* process as permitted by the *Planning Act* and in accordance with the policies of this Plan.
- 28.10.3 Where public ownership cannot be achieved through conveyance, the Town may secure the long-term protection of *hazard lands*, open space lands and lands designated Natural Area through other means including easement agreements, land exchange, long-term lease, land trusts, and land protection under the planning process among other measures that may be at its disposal.
- 28.10.4 Lands conveyed to the Town shall be in a condition acceptable to the Town.
- 28.10.5 Land conveyed to the Town shall include suitable access.
- 28.10.6 Natural Area Land Dedication
- a) Where lands designated Natural Area are privately owned, these policies do not imply that such land is open to the public nor is it implied that there is a commitment by the Town or any other public agency to purchase the lands.
 - b) For the purpose of section 28.10.2, *development* does not include:
 - i) the construction of buildings and structures requiring only site plan approval under the *Planning Act*;
 - ii) the enlargement or modification of an existing building or structure; or,
 - iii) the replacement of an existing building or structure with another building or structure on the same lot for the same use.
 - c) Notwithstanding section 28.10.2, in the case of a consent application involving lands which include a minor valley or tributary, the Town shall only seek acquisition of the minor valley or tributary if one or more of the following criteria is met:
 - i) the installation of, or access to, public works is proposed;
 - ii) the minor valley or tributary logically extends or connects to lands within the Natural Area designation which have been, or may potentially be secured by the Town; or,
 - iii) the minor valley or tributary is adjacent to and provides direct connection with the Lake Ontario shoreline.

- d) The limits of major and minor valleyland features, where they join the Lake Ontario shoreline, shall include:
 - i) the mouth of the creek, river, or stream;
 - ii) the *hazard lands* associated with the creek, river or stream and the Lake Ontario shoreline, whichever is greater; and,
 - iii) associated buffer along the hazards as determined by the Conservation Authority.

28.10.7 Waterfront Land Dedication

- a) The Town shall achieve a continuous and public linear waterfront open space system along the Lake Ontario shoreline and connect it to the Town's natural area and open space system.
- b) In cases of *development* of waterfront lands, the Town shall require the dedication or conveyance of waterfront lands for the purpose of providing parks, trails and other recreational opportunities in addition to protecting natural features and *hazard lands*.
- c) The amount of waterfront land required to be dedicated or conveyed shall be:
 - i) all lands below the *stable top-of-bank*; and,
 - ii) a minimum width of 15 metres back from the *stable top-of-bank*.
- d) For the purpose of section 28.10.7 b), *development* of waterfront land does not include:
 - i) the construction of buildings and structures requiring only site plan approval under the *Planning Act*;
 - ii) the enlargement or modification of an existing building or structure; or,
 - iii) the replacement of an existing building or structure with another building or structure on the same lot for the same use.
- e) Waterfront lands dedicated or conveyed to the Town below the *stable top-of-bank* shall not be considered part of a parkland conveyance in accordance with the *Planning Act* and the Town's parkland dedication by-law, as amended, and shall be conveyed at no cost.
- f) Notwithstanding section 28.10.8 e), waterfront lands dedicated or conveyed to the Town above the *stable top-of-bank* may be considered part of a parkland conveyance, up to the maximum parkland conveyance in accordance with the

Planning Act and the Town's parkland dedication by-law, as amended, and shall be conveyed at no cost.

- g) If the amount of waterfront lands dedicated or conveyed to the Town above the *stable top-of-bank* exceeds the maximum parkland conveyance, the Town may compensate the property owner for the balance of the conveyance as follows:
 - i) Lands within the limit of identified *hazard lands* shall be compensated at the hazard land rate.
 - ii) Lands outside of the limit of identified *hazard lands* shall be compensated at the rate for developable land.
 - iii) If a *development* contains both waterfront lands above the *stable top-of-bank* within the limit of the identified *hazard lands*, and lands above the *stable top-of-bank* outside the limit of identified *hazard lands*, the parkland conveyance requirement shall first be applied to the lands above the *stable top-of-bank* and outside the limit of identified *hazard lands*.

28.10.8 Parkland Dedication

- a) The Town shall, through its parkland dedication by-law, require the conveyance of land to the Town for park or other public recreational purposes as a condition of *development*, consent or the subdivision of land.
- b) The conveyance of land to the Town for park or other recreational purposes shall be required in an amount up to:
 - i) 2% of the land for commercial or industrial purposes;
 - ii) 5% of the land or one hectare for each 300 dwelling units for residential purposes; and,
 - iii) 5% of the land in all other cases.
- c) Payment of money equal to the value of the land otherwise required to be conveyed for parks (cash-in-lieu) may be required. Such money shall be placed in a park reserve fund to be expended in accordance with the provisions of the *Planning Act*.
- d) Parkland dedication taken at the time of *development* or redevelopment shall be implemented by by-law which may include provisions for reductions or exemptions from parkland dedication requirements for the purposes of achieving other policy objectives of this Plan.
- e) The Town shall not accept as part of the minimum parkland conveyance:

- i) lands designated Natural Area;
- ii) *hazard lands*;
- iii) lands required for drainage purposes, stormwater management or shoreline protection works;
- iv) connecting walkways; and,
- v) other lands unsuitable for *development* or redevelopment.

28.10.9 Heritage Conservation Easements or Acquisitions

- a) The Town may pass by-laws for entering into easements or covenants with owners of property of cultural heritage value or interest for the purposes of conservation.
- b) The Town may participate in the management of *cultural heritage resources* through acquisition, disposition, purchase, lease, donation, or other forms of involvement that will result in the sensitive conservation, restoration, and/or rehabilitation of those resources.

28.11 Plans of Subdivision, Plans of Condominium and Part Lot Control

28.11.1 The entire Plan area shall be subject to subdivision control and part lot control, pursuant to the *Planning Act*.

28.11.2 *Development in urban areas* should take place in accordance with comprehensively designed registered plans of subdivision.

28.11.3 In considering a draft plan of subdivision or condominium, the Town shall have regard for:

- a) Provincial guidelines, policies and legislation, including the criteria identified in the *Planning Act*;
- b) whether the proposed plan conforms to the policies of this Plan; and,
- c) whether the proposed plan can be provided with adequate services and facilities as required by this Plan.

28.11.4 The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by the Town to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of layout and design is maintained in all *development*. Subdivision agreements shall ensure that the provision of funds, services, facilities, and other matters are to the satisfaction of the Town, the Region and other agencies. The applicant shall be

required to post security with the Town to ensure the conditions of the subdivision agreement are fulfilled.

- 28.11.5 The Town may, in a by-law, exempt all or parts of a registered plan of subdivision from part lot control to permit the conveyance of portions of lots or blocks. By-laws to exempt lands from part lot control shall be limited to a period of not more than 3 years.

28.12 Consents (Severances)

- 28.12.1 Consents may be permitted for the creation of a new lot, boundary adjustments, rights-of-way, easements, long-term leases and to convey additional lands to an abutting lot, provided an undersized lot is not created.

- 28.12.2 Applications for consent to create new lots may only be granted where:

- a) a plan of subdivision is not necessary;
- b) the number of resulting lots is three or less;
- c) the lot can be adequately serviced by water, wastewater and storm drainage facilities;
- d) no extension, improvement or assumption of municipal services is required;
- e) the lot will have frontage on a public street and access will not result in traffic hazards;
- f) the lot will not restrict the ultimate *development* of adjacent lands;
- g) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is *compatible* with adjacent lots; and,
- h) the consent conforms to all relevant policies of this Plan.

28.13 Development Permits

- 28.13.1 The Town may, in a by-law, designate one or more development permit areas within the Plan area pursuant to the provisions of the *Planning Act*, subject to compliance with applicable regulations.

- 28.13.2 Upon authorization of a development permit system, the Town may implement this Plan, as it applies to the designated development permit area(s), by the use of a development permit regime independent or supplemental to its powers of implementation described in this Plan.

28.14 Community Improvement

- 28.14.1 The Town may, in a by-law, designate one or more *community improvement project areas* in accordance with the provisions of the *Planning Act*.
- 28.14.2 The designation of a *community improvement project area* shall be based on one or more of the following criteria:
- a) deficiencies in the physical *infrastructure* of the area, including water, sanitary sewers, storm sewers, roads, sidewalks, curbs, street lighting, traffic control and electrical facilities;
 - b) deficiencies in the provision or design of off-street parking areas;
 - c) inadequate parks, open space, landscaping and community or recreation facilities;
 - d) evidence of economic decline in commercial areas, such as unstable uses or high vacancy rates;
 - e) problems with incompatible land uses;
 - f) buildings and structures in need of maintenance and repair;
 - g) need to improve streetscape amenities on public and/or private property;
 - h) need for heritage resource conservation;
 - i) opportunities for infilling and *development* of under-utilized sites; and,
 - j) existing or probable soil or water contamination.
- 28.14.3 A *community improvement plan* may be prepared, adopted and implemented to guide the following within each *community improvement project area*:
- a) upgrades to existing municipal infrastructure and services for the purpose of stimulating private investment;
 - b) the construction, repair, rehabilitation or improvement of buildings and structures;
 - c) the acquisition, holding, clearing, grading or preparation of land for *community improvement*;
 - d) the sale, lease or transfer of municipal lands and buildings; and,
 - e) the provision of grants, loans or tax assistance for *community improvement* activities such as the cost of rehabilitating lands and buildings.

28.14.4 The Town may, in a by-law, dissolve a *community improvement project area* where it is satisfied that the *community improvement plan* has been carried out.

28.15 Maintenance and Occupancy Standards

28.15.1 The Town shall prescribe maintenance standards and conditions of occupancy for all types of property through a property standards by-law enacted in accordance with the provisions of the *Building Code Act*.

28.15.2 The Town shall encourage the:

- a) maintenance of existing sound properties;
- b) improvement of the quality of properties that have deteriorated; and,
- c) reconstruction of properties that have declined to a point where they cannot be satisfactorily and economically rehabilitated.

28.16 Demolition Control

28.16.1 The Town may enact a demolition control by-law to establish areas of demolition control in accordance with the provisions of the *Planning Act*.

28.16.2 Applications to demolish designated heritage buildings and structures shall be considered in accordance with the provisions of the *Ontario Heritage Act* and the policies of this Plan.

28.17 Pre-consultation and Complete Application Submission Requirements

28.17.1 Consultation with the Town prior to the submission of an application requiring a *Planning Act* approval is encouraged and shall be required for applications for Official Plan amendment, Zoning By-law amendment, draft plan of subdivision, draft plan of condominium and site plan. The Region shall be encouraged to participate in the Town's pre-consultation process. Other affected agencies such as conservation authorities shall be encouraged to participate, where appropriate.

28.17.2 Mapping, drawings, reports and technical studies shall be required to support any application requiring a *Planning Act* approval. The supporting information and materials required shall be determined by the Town in consultation with the Region, other appropriate agencies and the applicant prior to the submission of the application as part of the pre-consultation process.

28.17.3 Unless an exemption is granted under section 28.17.5, the following information and materials shall be required to be submitted as part of any application for Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or draft plan of condominium, and shall be requested as applicable for other applications:

- a) Description of Site and Proposal:
 - i) aerial photograph
 - ii) survey plan
 - iii) draft plot or concept plan
 - iv) draft plan of subdivision, draft plan of condominium, draft Official Plan amendment or draft Zoning By-law amendment, as applicable
 - v) planning justification report
 - vi) neighbourhood/area concept plan
- b) Engineering Considerations:
 - i) functional servicing study
 - ii) site servicing, grading and drainage plan
 - iii) stormwater management study/report
 - iv) hydrogeology, soils and/or geotechnical study
 - v) coastal engineering report
 - vi) hydraulic analysis for floodplain delineation
 - vii) *erosion* and sediment control plan
 - viii) noise and vibration study
- c) Urban Design Considerations:
 - i) urban design brief
 - ii) streetscape design study
 - iii) shadow analysis
 - iv) park/open space concept plan
 - v) building elevations, in accordance with applicable urban design guidelines
 - vi) *character* impact analysis
 - vii) 3-D computer model

- viii) landscape plan
- ix) wind study
- x) lighting study
- d) Environmental Considerations:
 - i) environmental site screening and *Environmental Protection Act* assessments
 - ii) environmental impact statement/study
 - iii) tree vegetation study and tree protection plan
 - iv) demarcation of the limits of natural heritage systems, wetlands, *natural hazards* and/or areas regulated by a Conservation Authority
 - v) fish habitat assessment
 - vi) air quality report
 - vii) natural features restoration plan
 - viii) sustainability checklist
 - ix) migratory bird study
- e) Transportation Considerations:
 - i) transportation impact analysis
 - ii) pedestrian circulation plan
 - iii) *transportation demand management* (TDM) strategy
 - iv) parking study
- f) Financial Considerations:
 - i) market impact study
 - ii) financial impact study
 - iii) capital impact assessment
- g) Cultural Considerations:
 - i) heritage impact assessment

- ii) archaeological assessment
- h) Health and Safety Considerations:
 - i) risk assessment
 - ii) cooling tower plume report
- 28.17.4 In addition to the requirements of section 28.17.3, the applicant shall be required to submit any other supporting information and materials that may be identified by the Town during the pre-consultation process involving the applicant as being relevant and necessary to the evaluation of the particular application.
- 28.17.5 Exemptions to the requirements of section 28.17.3 and any additional requirements pursuant to section 28.17.4, shall be determined and specified in writing by the Town during the pre-consultation process.
- 28.17.6 The following information and materials shall be required to be submitted as part of any application for consent:
 - a) Environmental Considerations:
 - i) environmental site screening checklist
 - ii) tree inventory and preservation study
 - b) Engineering Considerations:
 - i) servicing drawing showing existing and proposed watermain and sanitary sewer services
- 28.17.7 The scale, scope and timing of any required reports and technical studies is dependent on the nature of the proposal, its relationship to adjacent land uses and the type of planning approval required.
- 28.17.8 All required reports and technical studies shall be prepared in accordance with any standards or specifications applicable within the Town by qualified professional consultants retained by and at the expense of the applicant. The Town shall review all reports and studies and may also require a peer review by an appropriate public agency or by a professional consultant retained by the Town at the applicant's expense.
- 28.17.9 An application for Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or draft plan of condominium shall be considered complete under the *Planning Act* only when all of the following items have been provided to the Town:
 - a) an application form;

- b) any information or materials prescribed by statute;
- c) an executed pre-consultation agreement;
- d) any supporting information and materials required to be provided with the initial submission pursuant to sections 28.17.3, 28.17.4, 28.17.5, 28.17.7 and 28.17.8; and,
- e) the prescribed application fee(s).

28.17.10 That any studies required for the approval of *power generation facilities* in respect of this Plan, be integrated where possible in conjunction with documents prepared to meet the requirements of the applicable provincial or federal regulations and requirements undertaken in consultation with the Region of Halton.

28.18 Alternative Notice Procedures

The *Planning Act* enables the establishment of alternative notice procedures, for informing and obtaining the views of the public in respect of certain applications and proposals that require approval under the *Planning Act*. The following notice procedures may be used as an alternative to the notice procedures established by the *Planning Act*, where permitted.

- 28.18.1 A public information meeting may be hosted by the Town to inform the public of a proposed Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or draft plan of condominium.
- 28.18.2 Notice of a public information meeting shall be provided no later than 14 days prior to the date of the meeting.
- 28.18.3 At least one public meeting shall be hosted by Council to obtain input from the public with respect to a proposed Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or draft plan of condominium.
- 28.18.4 Notice regarding a proposed Official Plan amendment and/or Zoning By-law amendment where a public information meeting is to be, or has been, held shall be given in accordance with the *Planning Act*, except where in conflict with the following policies which shall prevail:
 - a) Notice of a public meeting shall be provided no later than 14 days prior to the date of the meeting.
 - b) Notice given regarding a proposal that applies generally to the Town shall be placed in the local newspaper(s).

- c) Notice given regarding a site-specific proposal shall be placed in the local newspaper(s) or sent by personal service, ordinary mail, e-mail or fax to every owner of land within 120 metres of the subject land.
 - d) Notice given regarding a site-specific proposal shall include the erection by the applicant of notice of application signage on the lands subject to the application in accordance with Town guidelines and applicable requirements.
 - e) Notice given to an organization or public body shall be sent by personal service, ordinary mail, e-mail or fax.
- 28.18.5 The content and effective date of any notice shall otherwise be in accordance with the applicable provisions of the *Planning Act*, or the regulations thereto.
- 28.19 Monitoring**
- 28.19.1 The Town shall regularly monitor key indicators which may assist in:
- a) assessing the effectiveness and relevance of this Plan's policies;
 - b) ensuring that changes in the social, economic, environmental, technological and demographic conditions are reflected in this Plan; and,
 - c) revealing new emerging priorities and initiatives.
- 28.19.2 The need to review and revise this Plan shall be considered every five years to ensure the continued relevance of the objectives and policies. This review shall determine if:
- a) the principles, objectives and policies of this Plan remain valid and realistic in view of changing circumstances; and,
 - b) the policies of this Plan are adequate to achieve the principles and objectives.
- 28.19.3 Amendments to this Plan shall be consolidated on a regular basis so that they can conveniently be made available to the public. Such consolidations shall be for reference purposes only.

29. INTERPRETATION

This Plan must be read in its entirety. The policies in this section provide guidance for the interpretation of the text and schedules of this Plan.

29.1 General

- 29.1.1 This Plan consists of text, tables and schedules. Appendices are not part of this Plan and are provided for descriptive purposes only.
- 29.1.2 The Town of Oakville consists of Residential Areas, *Employment Areas* and Growth Areas as identified on Schedule A1, Urban Structure.
- 29.1.3 The policies in Parts B, C, D and F of this Plan apply to the entire Plan area.
- 29.1.4 The policies in Part E apply only to the Growth Area, *Special Policy Area* or lands specified. Where a policy in Part E is in conflict with a policy elsewhere in this Plan, the policy in Part E shall prevail.
- 29.1.5 In the case of a conflict between a general policy and an area-specific policy, the area-specific policy shall prevail.
- 29.1.6 In the case of a conflict between this Plan and a Provincial plan, such as the *Parkway Belt West Plan, 1978*, or the *Greenbelt Plan, 2005*, the applicable Provincial plan shall prevail.
- 29.1.7 In the event of a conflict between this Plan and the Region of Halton Official Plan, the more restrictive provision shall apply.
- 29.1.8 Changes to the text or schedules of this Plan to correct grammatical or reference errors, punctuation, or to alter formatting, numbering or sequencing may be made without a Plan amendment, provided the general intent of this Plan is maintained.
- 29.1.9 The auxiliary verbs “may”, “should” and “shall” are used throughout this Plan in the following context:
- a) “may” means that the policy is permissive;
 - b) “should” means that the policy is directive and requires compliance unless proven otherwise on good planning grounds; and,
 - c) “shall” means that the policy is mandatory.
- 29.1.10 Should a conflict arise between a policy in this Plan and the Livable by Design Manual, as amended, the policy in this Plan shall prevail.

29.2 Schedules

- 29.2.1 The location of boundaries and symbols, including land use designations, are approximate and do not define exact limits except where they coincide with well-defined physical features such as *watercourses*, roads, railways and *utility* corridors.
- 29.2.2 Although the land use designations of this Plan are intended to be conceptual, in cases where a parcel of land contains more than one land use designation, the policies of each designation shall apply only to the portion of the property so designated.
- 29.2.3 An amendment to this Plan shall not be required for the minor realignment of roads, or to add roads created by a subdivision of land approved under the *Planning Act*, provided the general purpose and intent of this Plan are maintained. The precise routes for new roads shall be determined by future studies.

29.3 Permitted Uses

- 29.3.1 Where lists or examples of permitted uses are provided in this Plan, they are intended to indicate the possible range and type of uses that are to be considered. Specific uses that are not listed, but are considered to be similar to the listed uses and to conform to the general intent of the applicable land use designation, may be recognized as a permitted use.

29.4 Numerical Requirements

- 29.4.1 Minor variations from numerical requirements in this Plan may be permitted without a Plan amendment, provided the general intent of this Plan is maintained.

29.5 Glossary

Affected airshed means any area outside of the property boundaries of a proposed *power generation facility* where adverse effects (as defined in the PPS) may occur.

Affordable housing means housing with market price or rent that is affordable to households of low and moderate income spending 30 per cent of their gross household income without government subsidies. Such households would be able to afford, at the low end, at least three out of ten rental properties on the market and, at the high end, ownership housing with sufficient income left, after housing expenses, to sustain a basic standard of living.

Alternative energy system means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Ancillary services means services necessary to maintain the reliability of the IESO-controlled grid, including frequency control, voltage control, reactive power and operating reserve services.

Brownfield sites means undeveloped or previously developed properties that may be *contaminated*. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built-up area means all land within the *built boundary*.

Built boundary means the limits of the developed *urban area* as identified in the Provincial paper, *Built Boundary for the Growth Plan for the Greater Golden Horseshoe*, 2006 (2008).

Character means the collective qualities and characteristics that distinguish a particular area or neighbourhood.

Climate change is a change in the average weather that a given region experiences. Average weather includes all the features associated with weather such as temperature, wind patterns and precipitation. On a global scale, climate change refers to changes in the climate of the earth as a whole.

Cogeneration also known as combined heat and power means the generation of electricity or mechanical power and thermal energy (heating or cooling) produced from one fuel source in the same facility.

Cogeneration facility means a building or structure or parts thereof used for *cogeneration*.

Community improvement means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a *community improvement project area*, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.

Community improvement plan means a plan for the *community improvement* of a *community improvement project area*.

Community improvement project area means a municipality or an area within a municipality, the *community improvement* of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

Compact urban form means a land use pattern that encourages efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional all within one neighbourhood), proximity to transit and reduced need for *infrastructure*. Compact urban form can include detached and semi-detached houses

on small lots as well as townhouses and walk-up apartments, multi-storey commercial *developments*, and apartments or offices above retail.

Compatible means the *development* or redevelopment of uses which may not necessarily be the same as, or similar to, the existing *development*, but can coexist with the surrounding area without unacceptable adverse impact.

Complete community means a community that meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including *affordable housing*, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

Conserved means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

Contaminated refers to property, lands or soils that have not been rehabilitated and, for reasons of public health and safety or environmental quality, are unsafe for use as a result of human activities, particularly those activities that have left a chemical or radioactive residue. Such sites may include industrial lands, transportation facilities, and electrical facilities.

Cultural heritage landscape means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts.

Cultural heritage resources include buildings, structures and properties designated or listed under the *Ontario Heritage Act*, significant built heritage resources, and significant *cultural heritage landscapes* as defined and interpreted by the applicable Provincial Policy Statement.

Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process
- b) works subject to the *Drainage Act*

- c) any other activity deemed by the Director of Planning Services to be minor in nature, which has negligible impact to the natural environment and meets the intent of this Plan

District energy means the production of thermal energy (heating or cooling) with or without *cogeneration* that is distributed to users at a community scale.

District energy facility means a centrally located facility or linked facilities including pipeline distribution system for the production and distribution of *district energy*.

Ecological footprint is a measure of the demands humans place on nature. It measures what humans consume from nature, for individuals, organizations, cities, regions, nations or humanity as a whole. It shows how much biologically productive land and water is occupied to produce all the resources consumed and to absorb waste.

Educational facilities means an elementary or secondary school whose program is recognized by the Ministry of Education. For greater certainty, educational facilities includes a public school, a separate school and a private school, as defined by the *Education Act*, R.S.O. 1990, c. E2, as amended.

Employment areas means areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Erosion means volumetric reduction of land by human-induced or natural processes.

Erosion hazard means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year *erosion* rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an *erosion/erosion* access allowance.

Exposure index is calculated by multiplying the number of vehicles per day and the number of trains per day. Grade separations are considered when the exposure index exceeds a threshold of 200,000.

Flood(ing) means a temporary rise in the water level resulting in the inundation of areas adjacent to a *watercourse* or Lake Ontario not ordinarily covered by water.

Flooding hazards means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shoreline of Lake Ontario, the flooding hazard limit is based on the one hundred year *flood* level plus an allowance for wave uprush and other water-related hazards.

- b) Along river and stream systems, the flooding hazard is the greater of:
- i) the *flood* resulting from the rainfall actually experienced during a major storm, such as the Hurricane Hazel storm (1954), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
 - ii) the one hundred year *flood*; and,
 - iii) a *flood* which is greater than i) or ii) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Ministry of Natural Resources;

except where the use of the one hundred year *flood* or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of *flooding* supports the lowering of the standard).

Floor space index, or floor area ratio, means the gross floor area of all buildings on a lot divided by the lot area.

Form based zoning is a descriptive means of regulating *development* through the implementing Zoning By-law utilizing tools ranging from illustrations to codification to ensure a specific urban form is achieved.

Greater Golden Horseshoe means the geographic area designed as the Greater Golden Horseshoe growth plan area in Ontario regulation 416/05.

Greenbelt area means the geographic area of the Greenbelt as defined by Ontario Regulation 59/05 as provided by the *Greenbelt Act, 2005*.

Greenfield or greenfield area means the area within a *settlement area* that is not *built-up area*.

Greyfields means previously developed properties that are not *contaminated*. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict or vacant.

Group home means a single housekeeping unit in a residential dwelling where six to ten people (excluding staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents.

Growth Plan means the *Growth Plan for the Greater Golden Horseshoe, 2006*.

Hazard lands, hazardous lands, or natural hazards, mean lands that could be unsafe for *development* because of naturally occurring processes associated with *flooding, erosion, dynamic beaches or unstable soil or bedrock*.

Headwater means the source of a stream.

Higher order transit means transit that generally operates in its own dedicated right-of-way, outside of mixed traffic, and therefore can achieve a frequency of service greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways), light rail (such as streetcars), and buses in dedicated rights-of-way.

Infrastructure means physical structures (facilities and corridors) that form the foundation for *development*. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and *transportation corridors* and facilities, oil and gas pipelines and associated facilities.

Intensification means the *development* of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of *brownfield sites*;
- b) the *development* of vacant and/or underutilized lots within previously developed areas;
- c) *infill development*; or
- d) the expansion or conversion of existing buildings.

Intensification areas means lands identified by the Town, the Region or the Province within a *settlement area* that are to be the focus for accommodating *intensification*. Intensification areas include *urban growth centres, intensification corridors, major transit station areas*, and other major opportunities that may include *infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings and greyfields*.

Intensification corridors means *intensification areas* along major roads, arterials or *higher order transit* corridors that have the potential to provide a focus for higher density mixed use *development* consistent with planned transit service levels.

Land division means the division of land which can be accommodated through various mechanisms under the Planning Act such as consents, plans of subdivision, and plans of condominium and part lot control exemption.

Long-term stable top-of-bank, as it pertains to the development setback for habitable buildings along the shoreline, means a bank inclination of 3:1 (H:V), or as determined by a geotechnical study which satisfies the minimum design Factor of Safety of 1.5.

Major office is generally defined as freestanding office buildings of 10,000 square metres or greater, or with 500 jobs or more.

Major transit station area means the area including and around any existing or planned *higher order transit* station within a *settlement area*; or the area including and around a major bus depot in an urban core. Station areas generally are defined as the area within an approximate 500 metre radius of a transit station, representing about a 10-minute walk.

Modal share, or **modal split**, means the percentage of person-trips or of freight movements made by one travel mode, relative to the total number of such trips made by all modes.

Multi-modal means the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, rail (such as commuter and freight), trucks, air and marine.

Multiple-attached dwelling means a dwelling unit within a building containing three or more dwelling units, such as a townhouse, stacked townhouse or back-to-back townhouse.

Municipal comprehensive review means an Official Plan review, or an Official Plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of the *Growth Plan*.

Natural hazards – see *Hazard lands*

One zone concept means the floodplain, as defined by the appropriate *flood* standard (i.e. the regulatory storm), will consist of one zone.

Place of Worship means a building, structure or part thereof, which is primarily used for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach.

Power generation facility means a facility for generating electricity and includes a *cogeneration facility*, an *ancillary service* to power generation, and includes any structures, equipment or other things used for those purposes.

Renewable energy system means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Sensitive land use means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the natural or built environment. Examples

may include, but are not limited to: residences, day care centres, and educational and health facilities.

Settlement areas means *urban areas* and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) where:

- a) *development* is concentrated and which have a mix of land uses; and
- b) lands have been designated in an Official Plan for *development* over the long-term planning horizon provided for in the Provincial Policy Statement, 2005. Where there are no lands that have been designated over the long-term, the settlement area may be no larger than the area where *development* is concentrated.

Site area, or **site hectare**, includes residential lots or blocks only and excludes any public lands. In the case of *development*, any public land required to be dedicated or conveyed shall not be included for the purpose of calculating the site hectare.

Special needs housing means any housing, including dedicated facilities in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include but are not limited to housing for persons with disabilities such as physical, sensory or mental health disabilities, housing for the elderly, *group homes*, emergency shelter, housing for the homeless, and independent permanent living arrangements where support services such as meal preparation, grocery shopping, laundry, housekeeping, respite care and attendant services are provided. It does not include households that receive community based support services in their own home.

Special Policy Areas, for the purposes of this Plan, refers to the Special Policy Areas described in Part E.

Stable top-of-bank:

- a) As it pertains to valleylands, stable top-of-bank means:
 - i) the physical top-of-bank where the existing slope is stable and not impacted by toe *erosion*; or,
 - ii) is defined by the toe *erosion* allowance plus the stable slope allowance where the existing slope is unstable and/or is impacted by toe *erosion*.
- b) As it pertains to land dedication along the shorelines, stable top-of-bank means a bank inclination of 3:1 (H:V), or as determined by a geotechnical study which satisfies the minimum design Factor of Safety of 1.2 – 1.3.

Sustainable development means *development* that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Transit-supportive:

- a) Makes transit viable and improves the quality of the experience of using transit.
- b) When used in reference to *development*, it often refers to compact, mixed use *development* that has a high level of employment and residential densities to support frequent transit service.
- c) When used in reference to urban design, it often refers to:
 - i) design principles that make *development* more accessible for transit users, such as roads laid out in a grid network rather than a discontinuous network
 - ii) pedestrian-friendly built environment along roads to encourage walking to transit
 - iii) reduced setbacks and placing parking at the sides/rear of buildings
 - iv) improved access between arterial road and interior blocks in residential areas

Transportation corridor means a thoroughfare and its associated buffer zone for passage or conveyance of vehicles or people. A transportation corridor includes any or all of the following:

- a) major roads, arterial roads, and highways for moving people and goods
- b) rail lines/railways for moving people and goods
- c) transit rights-of-way/transitways including buses and light rail for moving people

Transportation demand management, or ***TDM***, means a set of strategies that results in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Urban area means the lands south of Highway 407 as shown on Schedule A2.

Urban growth centre means an area identified on Schedule 2 of the *Growth Plan*, including the area known as Midtown Oakville.

Utilities (and ***utility***) include power, communications/telecommunications and other cable services, as well as gas and *power generation facilities*.

Watercourse means an identifiable depression in the ground in which a flow of water regularly or continuously occurs.

Wildlife means wild mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi, algae, bacteria and other wild organisms.