
CHAPTER 8: IMPLEMENTATION AND INTERPRETATION

The preceding chapters have outlined Township objectives and policies intended to manage growth and services. This section is intended to outline methods for interpreting and implementing the policies of this plan.

8.1 LOCAL/REGIONAL JURISDICTION

- 8.1.1 The Township of North Dumfries is a lower tier municipality within the Regional Municipality of Waterloo as created by the Regional Municipality of Waterloo Act.
- 8.1.2 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 must conform to this Plan.
- 8.1.3 This Plan will be used as the basis for actions on planning matters within Township jurisdiction.
- 8.1.4 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.
- 8.1.5 Other government agencies will have regard to this Plan in preparing and administering plans and programs which may affect the township.
- 8.1.6 The private sector is encouraged to refer to this Plan when developing plans and programs which affect areas of Township interest.
- 8.1.7 The Township considers the policies of this Plan, as approved by the Region, to be appropriate Township interpretations consistent with the Regional policies adopted by the Region, and have had regard for Provincial policy statements adopted by the Province under the authority of the Planning Act.

8.2 INTERPRETATION

- 8.2.1 This Plan was prepared by the Township of North Dumfries in accordance with the Planning Act, and is to be read in conjunction with the Regional Official Policies Plan.
- 8.2.2 Maps 1, 2A, 2B, 2.1 through 2.32 inclusive, 3, 4, 5, 6B, 6C and 7 are Schedules to this Plan and constitute part of this Plan. These maps must be read in conjunction with each other and the policies of this Plan. Map 6A is provided for information purposes only and is accurate as of the date of adoption of this Plan. For the purposes of interpretation of the policies of this Plan relating to Environmental Preservation Areas, Provincially Significant Wetlands and Environmentally Sensitive Policy Areas, regard must be had to Maps 1 and 2 of the Regional Official Policies Plan.
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- 8.2.3 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.
- 8.2.4 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.
- 8.2.5 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.
- 8.2.6 Where boundaries of any designation on Maps 2A, 2B, and 2.1 to 2.32 inclusive coincide with physical features, roadways, property boundaries and other defined geographical features, the boundary will be deemed to be the centre line of that feature.

8.3 AMENDMENTS TO THIS PLAN

- 8.3.1 Notice of amendments to this Plan will be given in accordance with the procedures as provided for in the Planning Act.
- 8.3.2 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 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 Policies Plan, or on other Regional policies, programs or interests.
- 8.3.3 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 Statements warrant such a review. The Township will consider amendments to this Plan as appropriate to implement the results of this review.
- 8.3.4 The Township will undertake reviews of the policies of this Plan every five years in accordance with the provisions of the Planning Act.
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- 8.3.5 A comprehensive review of the fundamental principles of this Plan will be conducted following the comprehensive review of the Regional Official Policies Plan.

8.4 MONITORING AND REVIEW

It is the intent of this Plan to provide for continuous monitoring and review to ensure that this Plan remain 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.

- 8.4.1 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.

- 8.4.2 This information will be used in the review of this Plan as provided for in Policy 8.3.4 and 8.3.5. 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.

8.5 PUBLIC PARTICIPATION

- 8.5.1 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.

- 8.5.2 The Township will co-operate with Region in public participation programs during the processing of related amendments to this Plan and the Regional Official Policies Plan.

- 8.5.3 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 the 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.

8.6 IMPLEMENTATION GUIDELINES

- 8.6.1 Implementation Guidelines 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 Guidelines are determined by the Township, and will be in conformity with the provisions of this Plan and the Regional Official Policies Plan.

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- 8.6.2 Implementation Guidelines may include, but are not limited to:
- a) strategic plans;
 - b) watershed and master drainage plans; and,
 - 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.
- 8.6.3 Implementation Guidelines will not be the instrument used to introduce new policy provisions which could be the basis for denying applications under the Planning Act, or for interfering with the natural justice rights of landowners and the public.
- 8.6.4 The Township will provide public notification at least 14 days prior to Council consideration of any new or revised Implementation Guideline. Such notification will include the following information:
- a) the general nature, purpose or content of the proposed Implementation Guideline;
 - b) the time, date and place at which the proposed Implementation Guideline will be considered for approval by Council; and,
 - c) the means by which interested persons may obtain further information or may submit comments on the proposed Implementation Guideline prior to its adoption.
- 8.6.5 Public notification of the proposed adoption of a Implementation Guideline, in accordance with Policy 8.6.4 of this Plan, will be provided by:
- a) publication in a newspaper of sufficiently general circulation as to give reasonable public notice of the meeting;
 - b) personal service or prepaid first class mail to every person or agency who has made a request to receive such notification or who the Township has determined is likely to have a significant interest in the matter which is the subject of the proposed Implementation Guideline; and,
 - c) other means of notification as may be deemed appropriate by Council.
- 8.6.6 A reasonable opportunity will be provided to all persons having an interest in a proposed Implementation Guideline to make representations to Council or to a Committee of Council, and a fair hearing will be provided to such deputations, or to written comments submitted to the Clerk, prior to adoption.
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8.6.7 Prior to the adoption of any specific Implementation Guideline 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.

8.6.8 Implementation Guidelines are subject to the approval of the Region where they are deemed by the Region to affect matters of Provincial or Regional significance.

8.7 DEVELOPMENT APPLICATION REVIEW

8.7.1 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.

8.7.2 Preliminary Official Plan Amendments and Zone Change Applications will not be accepted for circulation by the Township in the absence of a complete application satisfying the requirements of all applicable legislation, and will not be approved prior to the completion of appropriate environmental assessments in accordance with the Environmental Assessment Act.

8.7.3 The Township 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.

8.7.4 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.

8.7.5 The Township will require pre-submission consultation between the applicant, the Township, the Region and other appropriate agencies prior to submission of a development application in accordance with the Planning Act.

8.7.6 The Township may deem applications to amend this Plan and amendments to the Township Zoning By-law premature for acceptance for processing under the Planning Act in the absence of demonstrated pre-consultation between the applicant, the Township, the Region and other appropriate agencies.

8.7.7 The Township will only recommend approval of consent applications where:

- a) the proposed development conforms to the policies of this Plan and the Regional Official Policies Plan;
- b) the severed and retained parcels conform to the requirements of the Township Zoning By-law or that a minor variance has been approved by the Committee of Adjustment;

- c) the severed and retained parcels have frontage on an existing open road of a standard satisfactory to the Township, and that no new road (other than road widenings) will be required; and,
- d) that the proposed development conforms to the provisions of Section 53(1) of the Planning Act.

8.7.8 The Township encourages the concurrent submission and processing of related development applications.

8.7.9 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.

8.7.10 The Township will maintain a Development Applications in Process Status Report and report to Council annually with the results.

8.8 SITE PLAN CONTROL

8.8.1 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 dwellings, semi-detached dwellings and duplexes, except those permitted within or contiguous to Open Space Areas, Environmentally Sensitive Policy Areas, and single detached dwellings, semi-detached dwellings and duplexes forming part of a zero lot line, linked housing or similar innovation in housing developments.

8.8.2 Drawings showing plan, elevation and cross-section views may be required for all 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 8.8.1 above.

8.8.3 Widening of highways shall be required as a condition of site plan approval for all development within the Site Plan Control Area abutting Local Streets described in Schedule A "Roads to be Widened".

8.8.4 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.

8.8.5 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.

8.9 HOLDING PROVISIONS

8.9.1 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 fulfilment of specific requirements and conditions, and where the details of the development have not yet been fully resolved. These details include:

- a) environmental contamination clean-up;
- b) environmental impact analysis;
- c) future subdivision of lands;
- d) school sites; or,
- e) the provision of services and road works.

8.9.2 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.

8.9.3 Holding provisions may be applied Township wide, to portions of the Township such as lands within a specific service area, catchment area, drainage shed, service pressure zone, Settlement Area, the Ayr Urban Area, or on a site specific basis.

8.9.4 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.

8.9.5 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.

8.9.6 The implementing or holding zoning by-law will zone the lands for future intended use and will identify the lands subject to the holding provisions by adding the holding symbol H to the zoning category, indicating that the development of the lands cannot proceed until the symbol H is removed.

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

- a) what conditions must be met before the holding symbol is removed; and,
 - b) what is the criteria for assessing that a requirement or condition has been met.
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