

THE CORPORATION OF THE TOWNSHIP OF OTONABEE-SOUTH MONAGHAN

BY-LAW NO. 2017-**DRAFT**

Being a By-law under the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to amend By-law No. 2010-65, as amended, the Township of Otonabee-South Monaghan Comprehensive Zoning By-law, with respect to certain lands located in Part of Lot 16, Concession 14, in Otonabee Ward, Township of Otonabee-South Monaghan.

WHEREAS By-law No. 2010-65 was passed under the authority of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and regulates the use of land and the use and erection of buildings and structures within the Township of Otonabee-South Monaghan;

AND WHEREAS the Council of the Corporation of the Township of Otonabee-South Monaghan conducted a public meeting in regard of the subject application as required by Section 34(12) of the *Planning Act*, R.S.O. 1990, as amended;

AND WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, as amended, permits Council to pass an amending Zoning By-law, and the Council of the Township of Otonabee-South Monaghan deems it advisable to amend By-law No. 2010-65 with respect to the lands described in this By-law;

AND WHEREAS the matters herein are in conformity with the provisions of the Official Plan of the Township of Otonabee-South Monaghan, as amended by Amendment No. 3 to the Official Plan of the Township of Otonabee-South Monaghan;

NOW THEREFORE the Council of the Corporation of the Township of Otonabee-South Monaghan hereby enacts as follows:

1. By-law No. 2010-65, as amended, is hereby amended as follows:
 - (a) Map No. 3 of Schedule "A" of By-law 2010-65 is hereby amended by changing the zone symbols for certain lands located in Part Lot 16, Concession 14, Otonabee Ward more particularly described as part of 1923 Base Line, as follows:
 - (i) From the "Agricultural-Holding (A-H) Zone" to the "Agricultural-25-Holding^{CF LF} (A-25-H^{CF} H^{LF}) Zone" in accordance with Schedule "A" attached hereto and forming part of this By-law;

- (ii) From the “Agricultural-Holding (A-H) Zone” to the “Environmental Protection (EP) Zone” in accordance with Schedule “A” attached hereto and forming part of this By-law; and
 - (iii) From the “Agricultural (A) Zone” to the “Environmental Protection (EP) Zone” in accordance with Schedule “A” attached hereto and forming part of this By-law.
- (b) Section 6.4 of By-law No. 2010-65, as amended entitled “Special Agricultural (A) Zones”, is hereby amended by the addition of a new subsection numbered 6.4.25, which shall read as follows:

**“6.4.25 Agricultural-25 (A-25) Part of Lot 16, Concession 14
Otonabee Ward (Part of 1923 Base Line)
Reference By-law No. 2017-_____”**

Notwithstanding any other provisions of this By-law to the contrary, on lands zoned Agricultural-25 (A-25) Zone, identified as part of Property No. 1506-010-007-01600, no person shall use any land or erect, alter or use any building or structure except in accordance with the provisions of Sections 4 and 6 and subject to the following special provisions:

6.4.25.1 Permitted Uses:

- (a) Residential Uses:
 - (i) Residential uses shall be prohibited.
- (b) Non-Residential Uses:
 - (i) A composting facility, including a related storm water management facility, and other related works;
 - (ii) Accessory uses, buildings or structures related to a use permitted by Section 6.4.25.1(b)(i);
 - (iii) An agricultural use.

6.4.25.2 Regulations for uses permitted in Section 6.4.25.1:

- (a) Minimum Lot Area: 10.0 ha
- (b) Minimum Lot Frontage: 250 m

- (c) Minimum Setbacks to a compost pad within the A-25 Zone, on which composting operations occur:
(To the edge of the asphalt (or other hard surface) compost pad):
 - (i) From the east boundary of the A-25 Zone
(abutting Bensfort Road) 130.0 m
 - (ii) From the north boundary of the A-25 Zone 30.0 m
 - (iii) From the west boundary of the A-25 Zone 20.0 m
 - (iv) From the south boundary of the A-25 Zone 7.0 m
 - (v) From a watercourse 30.0 m
- (d) Minimum Setbacks to a storm water management facility (pond) within the A-25 Zone:
 - (i) From the east boundary of the A-25 Zone
(abutting Bensfort Road) 55.0 m
 - (ii) From the north boundary of the A-25 Zone 150.0 m
- (e) Minimum Landscaped Open Space 10%
- (f) A buffer strip in accordance with Section 4.6 of this By-law or a berm shall be required between the east, west and north boundaries of the A-25 Zone and the composting facility.
- (g) All other regulations of Section 6.2 of the Agricultural (A) Zone shall apply.

6.4.25.3 Special Definition for Uses Permitted in Section 6.4.25.1(b)

- (a) For the purposes of the Agricultural-25 (A-25) Zone, a “Composting Facility” shall mean a premises owned and operated by a government authority under an Environmental Compliance Approval (ECA) where the primary purpose is the composting of leaf and yard materials, and may include Source Separated Organics (SSO).

6.4.25.4 Holding Provisions for Agricultural-25 (A-25) Zone

Where the A-25 zone symbol on Schedule “A” (Map 3), as amended by By-law No. 2017-_____, is followed by a holding symbol (“H”), holding provisions under Section 36 of the *Planning Act* are in effect. The permitted uses and relevant zone provisions applicable to that zone do not apply until such time as the Holding symbol (H) is removed in accordance with the provisions of Section 36 of the *Planning Act* and Section 6.4.25.4 of this By-law.

For the purposes of the Agricultural-25 (A-25) Zone, two separate Holding categories are applied, identified by a Holding symbol “H” together with a superscript symbol as follows:

- “Holding^{LF} (H^{LF})” - for a Sanitary Landfill Site/Solid Waste Landfill Site Area of Influence; and
- “Holding^{CF} (H^{CF})” - for a Composting Facility and related facilities – specifically, any use permitted by Sections 6.4.25.1(b)(i) and (ii) of this By-law.

Removal of the Holding symbol from the Agricultural-25 (A-25) Zone to permit either a Composting Facility and related uses, or any other permitted use on the lands zoned A-25, shall require the removal of the Holding symbol and the related superscript symbol for those uses, i.e., “H^{CF}” and “H^{LF}” respectively.

Where a Holding symbol and superscript symbol for one particular use has been removed, the Holding provisions for the other Holding symbol and superscript use(s) shall continue to be in effect until such time the remaining Holding symbol and superscript symbol is removed in accordance with Section 36 of the *Planning Act*. For example, if the “H^{CF}” Holding symbol is removed to permit a Composting Facility and related uses, the “H^{LF}” Holding provision continues to apply to the A-25 Zone to recognize the landfill influence area Holding provisions.

The following Holding removal provisions for the “Agricultural-25-Holding^{CF LF} (A-25-H^{CF} H^{LF}) Zone shall apply:

- (a) For a Composting Facility and Related Uses (uses permitted by Sections 6.4.25.1(b)(i) and (ii) of this By-law):

Removal of the “Composting Facility” Holding symbol and superscript symbol (H^{CF}) from the “Agricultural-25-Holding^{CF LF} (A-25-H^{CF} H^{LF}) Zone” in accordance with Section 36 of the *Planning Act*, RSO 1990, as amended, may occur when the following have been achieved:

- (i) Environmental Compliance Approval has been issued by the Ministry of the Environment and Climate Change for the operation of a composting facility;
- (ii) A Storm Water Management Plan has been prepared to the satisfaction of the Ministry of the Environmental and Climate Change and Otonabee Conservation; and
- (iii) A Site Plan Agreement has been entered into by the City of Peterborough to the satisfaction of the Municipality and registered on the subject lands. The site plan shall include, but shall not necessarily be limited to:
 - the buffer and/or berm, and related vegetation/landscaping, required by Section 6.4.25.2(f), to the satisfaction of the Municipality and the Otonabee Conservation;
 - a storm water management plan acceptable to the Municipality and the Otonabee Conservation.

Prior to the removal of the “Composting Facility” Holding symbol and superscript” symbol (H^{CF}) from the “Agricultural-25-Holding $^{CF L^F}$ (A-25- $H^{CF} H^{LF}$) Zone”, only uses that existed at the date of the adoption of the holding zone provision shall be permitted.

- (b) For any other use:

Removal of the “Landfill” Holding symbol and superscript symbol (H^{LF}) from the “Agricultural-25-Holding $^{CF L^F}$ (A-25- $H^{CF} H^{LF}$) Zone” in accordance with Section 36 of the *Planning Act*, RSO 1990, as amended, may occur when the following have been achieved:

- (i) The provisions of Section 4.15.4 of By-law No. 2010-65 have been satisfied.

Prior to the removal of the “Landfill” Holding Symbol and superscript symbol (H^{LF}) from the “Agricultural-25-Holding $^{CF L^F}$ (A-25- $H^{CF} H^{LF}$) Zone”, only uses that existed at the date of the adoption of the Holding zone provision, plus any use that is permitted by the prior removal of the “Composting Facility” Holding symbol and superscript symbol (H^{CF}) from the “Agricultural-25-Holding $^{CF L^F}$ (A-25- $H^{CF} H^{LF}$) Zone, shall be permitted.

2. All other provisions of By-law 2010-65, as amended, shall apply.
3. This By-law shall become effective on the date of the approval of Amendment No. 3 to the Official Plan of the Township of Otonabee-South Monaghan, subject to the provisions of Section 34 of *The Planning Act*, RSO 1990, as amended.
4. The Clerk is hereby authorized and directed to proceed with the giving of notice under Section 34(18) of the *Planning Act*, R.S.O. 1990, as amended.

READ a first and second time this _____ day of _____, 2017.

READ a third time and finally passed this _____ day of _____, 2017.

Reeve, David P. Nelson

Clerk, Heather Scott