

SECTION 1 INTRODUCTION

1.1 CONTENTS OF THE OFFICIAL PLAN

Sections 1 through 8 of the text, together with the following schedules:

SCHEDULE A -- LAND USE PLAN
SCHEDULE B -- NATURAL FEATURES

constitute the Official Plan of the Township of Otonabee-South Monaghan. Supplementary information is contained in the attached Planning Issues and Background Information Report (2002). The Planning Issues and Background Information Report does not form part of this Official Plan.

1.2 SCOPE OF THE OFFICIAL PLAN

1.2.1 Planning Area

This Official Plan applies to all lands in the Township of Otonabee-South Monaghan.

1.2.2 Planning Period

The policies and schedule contained in this Official Plan cover a twenty-year planning period to the year 2023.

1.2.3 Effect on Public Sector

Upon approval of this Official Plan, Section 24 of the *Planning Act* will require any public work undertaken in the Township of Otonabee-South Monaghan and any by-law passed by the Council of the Corporation of the Township of Otonabee-South Monaghan for any purpose, with certain exceptions, to conform to this Plan.

1.2.4 Effect on Private Sector

Although this Official Plan is a legal document, it cannot control or regulate the use of land by the private sector until such time as it is implemented by zoning by-laws passed pursuant to Section 34 of the *Planning Act* and by other by-laws passed pursuant to the *Planning Act* or other Provincial statutes. Residents of the Township are encouraged to be aware of all approvals that are required for new development or changes in land use.

1.3 PURPOSES OF THE OFFICIAL PLAN

1.3.1 General

The general purpose of this Plan is to provide a comprehensive document to guide and direct the use of land in the municipality throughout the planning period. This Plan was prepared to assist decision-making by both the public and private sectors. Public administrators may use the Plan to identify public undertakings that shall be required and to assign appropriate budget, timing and locational priorities. Private interests, by being informed of the long-term objectives for the municipality may make decisions on their operations in the context of consistent and predictable public policies.

1.3.2 Specific

The specific purposes of this Plan are to provide:

- (a) A number of policy statements which express the long-term planning objectives for the Township of Otonabee-South Monaghan, having regard to the policies of the County of Peterborough Official Plan and the Provincial Policy Statement;
- (b) A series of policies with respect to the division of land;
- (c) A series of public servicing policies that set out the overall conditions for development in the Township area pertaining to servicing costs, water supply, sewage disposal, roads, utilities, public safety, schools, parks and recreation;
- (d) A series of general development policies which set out guidelines for matters such as site conditions, site amenities, land use compatibility, land use conversions and historic preservation;
- (e) A series of land use policies to explain and interpret the Land Use Plan;
- (f) A series of policies to serve as the basis for the review of development applications, the preparation of an implementing zoning by-law, the use of holding provisions and the use of site plan control with respect to each land use designations as set out in this Plan;
- (g) A number of guidelines for implementing and administering the Plan; and
- (h) A Land Use Plan to show the pattern of land use and roads for the Township of Otonabee-South Monaghan which this Plan proposes to achieve by the end of the planning period.

1.4 INTERPRETATION OF THE OFFICIAL PLAN

1.4.1 Boundaries

Except as otherwise set out in this Plan, it is intended that the boundaries of the land use designations shown on Schedule “A” be considered as approximate, except where bounded by major roads, railways, waterbodies or other obvious geographical features. It is also intended that the location of any proposed roads as indicated on Schedule “A” be considered as approximate and not absolute. Amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of any proposed roads, or areas shown on Schedule “A”, provided the general intent of the Plan is preserved. Such minor deviations will not necessarily be reflected on Schedule “A”.

1.4.2 Quantities

It is intended that all figures and quantities used in this Plan shall be considered as approximate and not absolute. Amendments to this Plan will not be required for any minor variance from any of the proposed figures or quantities stated herein.

The exception to the above policy shall be the references to the number of new lots or the eligible time period for new lots that may be created under Section 4 of this Plan (Land Division Policies), which shall be considered as absolute.

1.4.3 Metric Units

All measurements used in this Plan are expressed in metric terms.

1.4.4 Agency Names and Responsibilities

From time to time, the names of various government agencies may change. In addition, responsibilities may be transferred from one agency to another. The names of the agencies that are responsible for the many programs, regulations and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a name change or function transfer occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as the conditions dictate.

1.4.5 Legislation

From time to time, provincial legislation may be replaced by new legislation bearing a new name. The names and sections of the various Acts used in this Plan are according to the *Revised Statutes of Ontario, 1990 (R.S.O. 1990)*, as of the date of adoption of this Plan. It is not intended to amend this Plan each time an Act is renamed or when new consolidations of provincial legislation are issued. Rather, this Plan shall be interpreted so as to refer to those Acts of the Legislature named, or to their successors, as conditions dictate.

1.4.6 Terminology

A word or phrase used in this Plan shall be interpreted according to and in the following priority:

- (a) The definition contained in Section 1.5 or elsewhere in this Plan; or
- (b) A definition contained in the Provincial Policy Statement issued under the authority of Section 3 of the *Planning Act*; or
- (c) A definition referenced in another document as specifically cited in this Plan; or
- (d) Plain and ordinary meaning in the context that is used in this Plan.

1.5 DEFINITIONS

The following definitions shall be used in the interpretation and administration of this Plan:

Agricultural uses means the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food or fur, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures.

Agriculture-related uses means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Backlot residential development means the creation of a lot or lots within the Shoreline designation, such that there are separately conveyable parcels between the lots created and either the waterbody shoreline or a shoreline road allowance if one exists. This definition shall not apply to a backshore clustering form of development.

Class 1 industrial facility means a place of business for a small-scale, self-contained plant or building which produces/stores a product that is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

Class 2 industrial facility means a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e., it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.

Class 3 industrial facility means a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.

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 activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the *Drainage Act*.

Dry industrial use or dry commercial use means one in which water is not required in the processing, assembling, manufacturing, washing or cooling, or similar functions of the establishment, and which requires water and sewage disposal facilities only for domestic uses, i.e., for employees and visitors to the establishment.

Farm retirement lot means one lot from a farm operation for a full time farmer of retirement age who is retiring from active working life, was farming on January 1, 1994, and has owned and operated the farm for at least ten (10) years.

Home industry means a small-scale commercial or industrial establishment that operates entirely within a separate accessory building on the same property as the home of the proprietor. Home industries include uses such as a carpentry shop, a metal working/welding shop, an electrical shop, a plumbing shop, small engine repair, a landscaping or landscape contracting business, a nursery greenhouse, and a bus/truck parking or maintenance facility.

Home occupation means an occupation or business conducted for gain or profit within a dwelling unit by a person residing therein. Home occupations include uses such as an office for a professional or trades person, an art or photographic studio, a work room for a dressmaker, hairstylist, art or music teacher or similar activity, and a private-home day care operation in a dwelling unit that does not require a licence under the *Day Nurseries Act*.

Intensive livestock farm means a livestock operation where buildings are used for the purposes of accommodating livestock where the number of livestock units exceeds 200, or where the number of livestock units exceeds 50 with a livestock density greater than 2 livestock units per tillable acre.

Land use compatibility means a recognized factor and principle of good planning, whereby land uses which are known or expected to cause environmental problems for one another, when in proximity, are deemed incompatible and are protected from one another by separation and/or other means.

Residence surplus to a farming operation means one of two or more existing farm residences built prior to 1978 and surplus to the farm, or an existing farm residence that is rendered surplus as a result of farm consolidation (farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation).

Residential infilling means the creation of a residential lot between two existing non-farm residences which are on separate lots of a similar size and which are situated on the same side of a road and are not more than 100 metres apart.

Sensitive land use means a building, amenity area or outdoor space where routine or normal activities occurring at reasonably expected times would experience one or more adverse effect such as noise, vibration, odours and other air emissions, litter, dust and other particulates, and other contaminants, generated by a nearby facility or land use. The sensitive land use may be part of the natural or built environment. Depending upon the particular facility or land use involved, a sensitive land use and associated activities may include, but are not limited to, one or a combination of:

- (a) Residential uses or facilities where people sleep, for example, single-unit dwellings and multiple-unit dwellings, nursing homes, hospitals, trailer parks, camp grounds, mobile home parks, etc. These uses are considered to be sensitive 24 hours per day.
- (b) Permanent institutional uses such as schools, churches, municipal offices, libraries, community centres, and day care centres.
- (c) Community and neighbourhood parks and playgrounds.

Site alteration means activities such as fill, grading and excavation that would change the landform and natural vegetative characteristics of a site.

SECTION 2 BASIS AND OBJECTIVES OF PLAN

2.1 OFFICIAL PLAN REVIEW

In 2000, the Council of the Township of Otonabee-South Monaghan committed to the preparation and adoption of a new Official Plan for the recently amalgamated municipality, comprised of the former Townships of Otonabee and South Monaghan. The Otonabee Official Plan received provincial approval in 1985, and was amended a number of times, including a major review and update in 1997. The South Monaghan Official Plan received provincial approval in 1985, and was amended a number of times for site-specific applications.

The Otonabee Official Plan was amended in 2000 by Official Plan Amendment No. 13, which was intended to reflect the preliminary results of a planning study to review land use controls in the Township of Otonabee-South Monaghan. This planning study followed the enactment of an Interim Control By-law in 1998. The major components of OPA No. 13 have been included in the new Official Plan of the Township of Otonabee-South Monaghan.

2.2 BACKGROUND FACTORS

The following factors have been identified as having significant influence on the future development of the municipality:

2.2.1 Continuing Importance of Agriculture

It is anticipated that agriculture will continue to be an important component of the land use and economic base of the Municipality. However, recent trends in the form of agricultural operations, in particular new or expanding intensive livestock farms, place additional emphasis on land use issues related to agriculture including perceived environmental, economic and social impacts.

2.2.2 Population Projection

This Plan is based on a twenty-year time horizon and it is anticipated within the life of the plan the population of the Township may increase to approximately 8,308 persons. The existing (2001) population is approximately 6,669 persons.

2.2.3 Influence of the City of Peterborough

The proximity of the Township of Otonabee-South Monaghan to the City of Peterborough will continue to result in pressure for residential development. The continuation of a favourable economic climate will increase this pressure.

2.2.4 Recreational Development

The Township should continue to provide important regional recreation facilities, primarily for day and short term use. The demand for private and commercial recreation facilities and residential developments in shoreline areas is expected to increase during the planning period.

2.2.5 Natural Environment

The various natural features in the Township of Otonabee South Monaghan, such as its rural landscape, forested areas, varying topography, streams, wetlands, Rice Lake and Otonabee River waterfronts, and fish and wildlife habitat are important assets to the municipality, making it attractive for recreational and residential development.

2.2.6 Aggregate Resources

Demands for the gravel resources of the Municipality are expected to increase during the planning period.

2.3 TOWNSHIP VISION STATEMENT AND OBJECTIVES FOR LAND USE

The Council of the Township has identified a Vision Statement and Objectives for Land Use for the Official Plan. A Vision Statement in an Official Plan is a description of basic community values and priorities concerning land use. It is a statement of what the Township should look like in the future. Objectives are statements or commitments regarding what the Township wishes to achieve over the long term with respect to specific municipal planning issues.

2.3.1 Township Vision Statement

The Township of Otonabee-South Monaghan is a municipality with a strong commitment to fostering healthy change and growth. In an effort to promote the health, safety and well-being of its residents, the Township will strive to preserve and enhance the environmental integrity of the land, water and air, while balancing the economic needs of the Township as a whole.

Agriculture has long been a predominant land use in the Township of Otonabee-South Monaghan. Farming practices are, however, changing. By promoting sound farming practices and acceptable standards, the Township will continue to encourage the growth of a strong agricultural community.

With its location on Rice Lake and the Otonabee River, together with its unique blend of century farms, historical and cultural landmarks, environmental features and rural lifestyle, the Township recognizes the potential for growth in businesses and services catering to the touring public. In

this regard, the Township will continue to seek and promote opportunities for the expansion of the tourism industry within the Township and adjacent areas.

Commercial and industrial growth is an important aspect of the future of the Township. An economically sound and environmentally friendly community will help to promote the continued viability of the Township.

To be fiscally and environmentally responsible, the Township will continue to encourage the controlled growth of the residential, commercial and industrial sectors in identified areas of the Township, based on sound environmental and land use planning practices.

2.3.2 Township Objectives for Land Use Planning

(a) Environment

To encourage the preservation and conservation of the natural environment of the Township by establishing land use policies which promote the preservation or enhancement of the quality of the natural environment including land, air and water. Council shall have regard to this objective in the implementation and interpretation of all other objectives and policies of the Township.

(b) Natural Resources

To encourage and provide for the optimum use and management of the natural resources of the Township based on sound economic, social and environmental policies and guidelines.

To protect and manage lands and waters with significant natural heritage features and areas, and to protect such features and areas from incompatible land uses and development.

To restrict development in areas having natural or human-made constraints to development, and to permit only those land uses which do not pose a danger to public safety or health, or result in property damage or environmental degradation.

(c) Agriculture and the Rural Community

To preserve prime agricultural lands for agricultural purposes, promote and protect the viability of the agricultural industry, and to preserve and enhance the rural characteristics of the Township.

(d) Economic Development

To create a planning and community development environment that promotes the continued expansion and diversification of the economic base of the Township in a manner consistent with the fiscal resources of the Township, and which encourages investment and a broad range of employment opportunities.

To promote the designation and development of central nodes of Employment Lands as a focus for new and expanding industrial and commercial land uses.

(e) Culture, Recreation and Community Social Needs

To promote the provision of a sufficient number and type of housing units to provide safe, affordable and adequate living standards for Township residents.

To promote the health and well-being of the residents of the Township through the planning and development of a strong and healthy community, and to promote opportunities for economic, educational, health care, recreational and social development.

To encourage the provision of a wide range of public and private parkland, and recreational and cultural facilities to accommodate the requirements of the residents of the Township.

(f) Tourism

To support and encourage the growth of the tourism industry in the Township.

(g) Municipal Growth Management

To encourage the identified Hamlet settlement areas of the Township to be the focus of growth and development with a range of compatible land uses, and to accommodate the anticipated population growth while minimizing the costs of community services and resources.

(h) Transportation, Public Utilities and Infrastructure

To provide a road network system in the Township which functions in a cost-effective, safe and environmentally sensitive manner for the movement of people and goods within and through the Township.

To provide an adequate level of public utilities and infrastructure in accordance with the needs of the residents of the Township in an efficient, safe and environmentally sensitive manner, and within the financial capacity of the Township.

(i) Community Improvement

To achieve and maintain a standard of municipal services for identified Community Improvement Project Areas to provide for the health, safety and convenience of residents and visitors, within the financial capacity of the Township.

(j) Historical Preservation

To identify and conserve significant archaeological resources and significant built heritage resources in the Township.

2.3.3 County Planning Objectives

The Township of Otonabee-South Monaghan recognizes the jurisdiction of the County of Peterborough in certain matters, and will co-operate with the County in the best interests of the Township to implement:

- (a) The objectives of the County as set out in the Peterborough County Official Plan;
- (b) The policies of the Provincial Policy Statement that promote a co-ordinated approach to issues that cross municipal boundaries, such as the provision of infrastructure, public services and public service facilities; and
- (c) The delegated approval authorities of the County as these pertain to the Township of Otonabee-South Monaghan.

SECTION 3 GENERAL DEVELOPMENT POLICIES

3.1 COSTS OF SERVICING DEVELOPMENT

3.1.1 Location of Development

In order to minimize the cost of services provided by all public agencies, development in the Municipality should not be permitted where it would contribute to a demand for public services that are uneconomic to provide, improve or maintain. Instead, development should be permitted in locations where demands on public services will be minimized, where such development will most effectively help pay for existing services or where new services can be provided most economically.

3.1.2 Development Charges

Council may pass a by-law under the *Development Charges Act* to assess and recover their anticipated expenses for new growth for both hard and soft services. Development charges may be levied against plans of subdivision, consents, condominiums, zoning by-law amendments, minor variances, building permits and lands exempted from part lot control.

3.2 WATER SUPPLY AND WASTEWATER SERVICING

3.2.1 Protection of Groundwater Resources

Most Township residents rely on groundwater as their drinking water source. The entire area of the Township of Otonabee-South Monaghan is declared to be a groundwater resource protection area. While this statement is not intended to have specific significance with respect to a formal declaration under any provincial statute or regulation, it articulates the intent of Council of promoting the protection of groundwater quality and quantity in the Township. Council wishes to promote the protection of groundwater against potential adverse effects to human health, ecological health and the natural environment that could result from degraded groundwater quality.

3.2.2 Wellhead Protection

The Township recognizes the importance of protecting groundwater resources for the long-term benefits of its residents. Parts of the Village of Keene and the Hamlet of Stewart Hall are serviced by municipally owned communal water systems that rely on groundwater sources. As such, it is the policy of this Plan to protect the wells that provide groundwater to those systems and to discourage certain land uses within 500 metres of the municipal wells. The following commercial and/or industrial uses are discouraged from locating within 500 metres of a municipal wellhead as shown on Schedule "A":

- (a) Storage of petroleum fuels;
- (b) Storage of petroleum solvents and chlorinated solvents;
- (c) Storage of pesticides, herbicides and fungicides;
- (d) Construction equipment;
- (e) Storage of inorganic fertilizers;
- (f) Storage of road salt;
- (g) Generation and storage of hazardous waste or liquid industrial waste; and
- (h) The establishment of waste disposal sites and facilities.

The Township will work with the Ministry of Environment and Otonabee Conservation to prepare more detailed wellhead protection policies, which shall be included in this Plan by amendment.

3.2.3 General Servicing Policies

It is a primary objective of this Plan to promote environmental protection and to provide an adequate supply of potable water through ensuring that appropriate servicing is available for new development or redevelopment within the Township. Planning for water and wastewater (sewage) systems will recognize that:

- (a) Full municipal sewage and water services are the preferred form of servicing for urban and rural settlement areas;
- (b) Communal services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not or cannot be provided, where site conditions are suitable over the long term; and
- (c) Lot creation may be serviced by individual on-site systems where the use of communal systems is not feasible and where site conditions are suitable over the long term.

Where full municipal services are not available an investigation of servicing options shall accompany all development and redevelopment proposals involving multi-lot/unit residential development to determine the most appropriate form of servicing to promote environmental protection. The investigation of servicing options shall address the assimilative capacity of the ground water or surface water to absorb effluent without adversely impacting the natural environment.

For the purposes of Section 3.2.3, “multi-lot/unit residential development” shall mean six or more residential lots or dwelling units where residences may be permanent homes or primary places of residence.

Where the servicing options investigation deems that the use of private water and sewage systems is appropriate, a hydrogeological assessment prepared by a qualified professional shall be required. The hydrogeological assessment shall investigate whether an adequate supply of potable water is available for each new lot, and that the site can assimilate wastes from the proposed sewage disposal systems without exceeding Ministry of the Environment guidelines for groundwater impact. Such study must accompany the development application. Where individual services are appropriate, individual lot sizes shall be determined by the greater of the results of the hydrogeological assessment or the minimum lot sizes in the development policies contained in the appropriate sections of this Plan or the applicable zoning provisions.

Partial servicing will generally be discouraged, except where necessary to address failed services or because of physical constraints, and except in the Village of Keene and Hamlet of Stewart Hall where communal water systems are currently available.

Unless on full municipal services or approved communal services, industrial and commercial uses will be restricted to dry industrial or commercial uses only, as defined in Section 1.5 of this Plan.

Municipal ownership and operation of communal sewage systems is required where six or more permanent residences are located on lots or parcels that are held under separate ownership, for example, lots in a plan of subdivision or units in a vacant land plan of condominium. For a communal sewage system serving six or more permanent residences in a development where the sewage system and the lands comprising the development are in a single ownership, such as a land lease community, a mobile home park, a park model trailer park, or a freehold condominium, municipal ownership of the sewage system is not required, however, a Responsibility Agreement between the owner of the property and the Municipality shall be required. This policy shall apply only to new development or expansions to existing development.

Where communal water services are required for residential development, such as plans of subdivision or condominium, mobile home parks and park model trailer parks, Council will determine if they will allow the establishment of a communal well that is subject to the Safe Drinking Water Act. Written consent of the Municipality is required for non-municipal communal wells that serve six or more private residences. The Municipality may require financial assurance as a condition of development, which may be in the form of a Responsibility Agreement between the owner of the property and the Municipality.

Large subsurface sewage disposal systems with a capacity greater than 10,000 litres per day shall require approval under the Ontario Water Resources Act.

Consideration may be given to the use of other proven servicing systems subject to the approval of the Ministry of the Environment and the Township Council.

3.2.4 System Ownership

The Township owns and maintains communal water systems in the Village of Keene and the Hamlet of Stewart Hall, although not all buildings within these areas are connected to the municipal water systems. There are no municipally owned or operated wastewater treatment systems in the Township. For the most part, water supply and wastewater disposal systems in the Township are privately owned and maintained.

As a general policy, the Township will not assume ownership or management of existing private water or wastewater systems. Further, the following shall not be permitted if, in the opinion of the Municipality, a demand for municipal assumption of the system would be generated:

- (a) A change in land use, for example, the conversion of a non-permanent dwelling to a permanent dwelling as per Section 5.4.1; or
- (b) A change from an individual system to a communal system.

3.2.5 Development Proposals

If any development is proposed that will require or rely on any of the following, it shall be evaluated in accordance with the policies pertaining to Major Land Use or Infrastructure found in Section 3.18 of this Plan, and may be deemed to be Major Land Use or Infrastructure:

- (a) An *Ontario Water Resources Act* permit to take water for non-residential and non-farm purposes;
- (b) A communal water supply system;
- (c) A communal or institutional wastewater or stormwater treatment system;
- (d) An off-site process wastes or process wastewater treatment or disposal system; or
- (e) An on-site treatment or pre-treatment plant for process wastes or process wastewater.

3.2.6 Public Piped Systems

If the Municipality agrees to permit the installation of additional public piped systems, they shall be financed, constructed and maintained by the developer before being assumed by the Municipality. The developer may also be required to provide services outside of the lands proposed for development that are related to the development.

The establishment of a municipal drinking water system shall require approval under the *Safe Drinking Water Act*.

Whenever the Municipality has made a decision to require public piped services for an area, no development shall be permitted in that area without such services. If the services are not yet available, no development shall be permitted in that area until the landowner has entered into an agreement with the appropriate authority to connect to such services when they are provided.

Council shall have regard to the policies of Section 8.12 with respect to development staging.

3.2.7 Individual Private Systems

Almost all existing development in the Municipality is serviced by individual private water supply and sewage disposal systems, and it is anticipated that most new development will be so serviced except in those situations and subject to those conditions noted herein where other types of systems are to be permitted.

When development of any type will use an individual private water supply or sewage disposal system, this Plan requires compliance with the following policies before such development shall be permitted:

(a) Lot Sizes

Each lot shall have sufficient area to comply with the requirements of the Peterborough County-City Health Unit for the soil, drainage and other pertinent conditions of the site, for the type of services proposed, and for the type of development to be serviced;

(b) Water Supply Systems

Each proposed water source and supply system shall meet the quality and quantity requirements of the Ministry of the Environment. If an authority having jurisdiction determines that operation of a proposed water supply system will impair the water supply to existing development in the vicinity, an assessment of local ground water conditions by a qualified hydrogeologist or other qualified professional shall be required before approval will be given to the proposed system.

(c) Sewage Disposal Systems

If an authority having jurisdiction determines that a site appears to have unsuitable soil, drainage or other conditions which could adversely affect the operation of a proposed sewage disposal system, soil and similar tests by a professional engineer or other qualified professional shall be required before approval will be given to the proposed system.

(d) Substandard System Improvements

The Municipality shall actively encourage the participation of Township residents in any program that the Health Unit or the Ministry of the Environment designs to upgrade or replace existing substandard private supply or sewage disposal systems.

3.3 STORMWATER MANAGEMENT

It shall be the policy of this Plan that for any development or redevelopment proposal, stormwater runoff shall be controlled and the potential impact on the natural environment shall be minimized.

No development or redevelopment proposal, including a plan of subdivision or a block of land being developed for residential, commercial, institutional or industrial purposes, shall be permitted if such development will have a significant adverse impact on local and area-wide drainage patterns. A suitable method of accommodating surface water runoff shall be developed and implemented as a condition of approval according to the following policies:

- (a) Stormwater management facilities shall be designed and constructed to protect the receiving watercourse and adjacent lands from potential adverse impacts resulting from stormwater runoff including the degradation of water quality, increase in flood potential, interference or reduction of the drainage capacity of an existing watercourse, erosion and sedimentation, or damage or destruction of fish habitat or other environmentally sensitive feature or area.
- (b) The Municipality may participate in the preparation of watershed and subwatershed management plans with other municipalities or the Conservation Authority, as deemed necessary by Council.
- (c) The Municipality may undertake the preparation of a comprehensive Master Drainage Plan for a specific watershed area or development area within the Township, in consultation with the Conservation Authority or any other approval authority. Upon the completion and approval of a Master Drainage Plan by the Township, site-specific stormwater management plans for development proposals within the area covered by the Master Drainage Plan shall conform to the policies and requirements of the Master Drainage Plan.
- (d) In the absence of a Master Drainage Plan, the post-development rate of stormwater flow from a development site should not exceed the pre-development rate. Council may consult with the Conservation Authority to determine the most appropriate means to implement this policy for a specific site.
- (e) The preparation of a stormwater management plan for a development proposal shall be the responsibility of the developer and shall be prepared by a professional engineer. Prior to approving a stormwater management plan, Council shall request comments from the

Conservation Authority or other agency with respect to the suitability of the stormwater management measures.

- (f) As a condition of draft approval for plans of subdivision or condominium, a stormwater management plan shall be submitted for review and approval by the Township and the Conservation Authority. In cases of new industrial, commercial and institutional development, the stormwater management plan will form part of the information submitted for site plan approval. A stormwater management plan may also be a condition of the Ministry of Transportation where a provincial highway may be affected by stormwater runoff.
- (g) An open drainage channel, a stormwater detention/retention facility and adjacent lands which form part of a stormwater management system for a subdivision or other development proposal shall not necessarily be acceptable as part of the parkland dedication requirements under the *Planning Act*. Such lands shall be landscaped to the satisfaction of the Township, and shall be a suitable width and grade to permit maintenance operations.
- (h) The retention of existing tree cover or natural vegetation, particularly along watercourses and valleys, and the provision of significant grassed and open space areas, shall be encouraged to facilitate absorption of stormwater into the ground.

3.4 UTILITIES AND PUBLIC SAFETY

3.4.1 Requirements for Development

Before giving its approval to any development proposals, the Municipality shall be assured by the appropriate agency that the utilities and emergency services, including fire protection and police protection, necessary to serve the proposed development will be provided without placing undue financial obligations on Township taxpayers.

When small-scale development is involved, such as that resulting from land severance activity, the proposed development must be located in an area where such services already exist and are economically feasible to maintain.

3.4.2 Lands for Easements and Emergency Access

Where land is required for utility easements or emergency access, such land shall be obtained for the appropriate agency in the course of approving land severances, plans of subdivision and condominium, and development or redevelopment applications.

3.4.3 Lands for Public Buildings

If land is required for public buildings such as electric power substations, fire halls or police stations, the applicant may be requested to set aside appropriate sites for purchase by the relevant agency. Arrangements for the acquisition of such sites should be made conditions of approval for land severances, plans of subdivision and condominium, and development or redevelopment applications.

3.5 PARKS AND RECREATION

3.5.1 Parks Plan

All municipal parks and recreation facilities in the Municipality shall be developed in accordance with a parks plan and the policies contained in this Official Plan. For the purposes of this Plan, municipal parks and recreation facilities are divided into the following functional classifications:

- Community Parklands
- Community Playgrounds
- Neighbourhood Playgrounds
- Neighbourhood Parks

3.5.2 Functional Classification

(a) Community Parklands

Community parklands are municipal lands available for the passive recreation uses of all township area residents. Such lands are often situated in creek valleys or on lakeshores and, hence, may contain environmentally sensitive lands.

(b) Community Playgrounds

Community playgrounds are municipal lands developed for the active recreation uses of all Township area residents. Such lands frequently contain arenas, sport fields and similar large recreation facilities.

(c) Neighbourhood Playgrounds

Neighbourhood playgrounds are municipal lands developed for the active recreation use of residents in a particular hamlet or subdivision. Such lands may be developed in conjunction with an elementary school.

(d) Neighbourhood Parks

Neighbourhood parks are municipal lands available for the passive recreation use of residents in a particular hamlet or subdivision.

3.5.3 Land Conveyances

Council may by By-law, require as a condition of development or redevelopment the conveyance of land from the developer to the municipality, in accordance with the provisions of Section 42 of the *Planning Act*. The amount of land to be conveyed is not to exceed 2 percent of the lands proposed for commercial and industrial development or 5 percent of the lands for any other proposed uses. The conveyed lands are intended to be used for park or other public recreational purposes. Lands that are environmentally sensitive areas or have physical constraints to development may not necessarily be acceptable as parkland dedication.

Where the division of land is proposed, the Municipality shall request the approval authority establish a condition on the granting of a provisional consent or the approval of a draft plan of subdivision of condominium that the owner convey land for park purposes to the Municipality. The amount of land to be conveyed is not to exceed 2 percent of the lands proposed for commercial and industrial development or 5 percent of the lands for any other proposed uses. The conveyed lands are intended to be used for park or other public recreational purposes. Lands that are environmentally sensitive areas may not necessarily be acceptable as parkland dedication.

All lands conveyed for parks purposes shall be approved by the Municipality. Where a water body adjoins such lands, adequate space shall be provided for maintenance of the park and its operation.

3.5.4 Alternative Conveyances

In lieu of the conveyance of land for park purposes, the Municipality may require the payment of money in lieu of such lands. The cash value of such lands will be determined as follows:

- (a) For developments involving the division of land pursuant to either Section 51 or Section 53 of the *Planning Act*, the value of land shall be determined as of the day before the granting of draft plan approval for a plan of subdivision or condominium, or the day before the granting of a provisional consent, or as determined by the Municipality;
- (b) For development or redevelopment pursuant to Section 42 of the *Planning Act*, the value shall be determined as of the day before the day of the issuance of the first building permit issued in respect to development or redevelopment or, where more than one building permit is required for the development or redevelopment, as of the day before the first permit is issued.

3.5.5 Requirements in Hamlet Areas

In the designated Hamlet areas, recreational needs shall be met by the acquisition of additional parklands so that an overall ratio of 2,000 square metres of parkland is provided for each 100 persons residing in each designated area. The allocation of parklands to each functional classification shall be as follows:

(a) Community Parkland

Due to the significant amount of regional parkland already provided in the Municipality by the Province, the County of Peterborough and the Otonabee Region Conservation Authority, no additional community parklands are required.

(b) Community Playgrounds

If the designated Hamlet areas become substantially developed, the existing community playground at Keene could be expanded. Alternatively, another community playground could be developed at Stewart Hall or Bailieboro to serve the western part of the Municipality.

(c) Neighbourhood Facilities

One combination neighbourhood playground and park should be provided as demand and municipal financial resources warrant in each designated Hamlet area, except Keene and any other designated area where a community playground may be established. Since the minimum size of a neighbourhood playground/park should be 8,000 square metres, the Municipality should require cash-in-lieu of parkland in any designated area where the population is expected to be less than 400 persons.

3.5.6 Requirements in Shoreline Areas

Along the Otonabee River and the Rice Lake waterfronts, land shall be provided to meet recreational needs by acquiring 5 percent of all land proposed for residential development in shoreline areas or a suitable cash equivalent where the size or location of the site being developed makes such acquisition inappropriate.

3.6 SCHOOLS

3.6.1 Accommodation Planning

The school boards having jurisdiction in the Township of Otonabee-South Monaghan shall determine, in conjunction with the Ministry of Education and the Municipality, the size and

timing of new required educational facilities. At such time as the school boards have completed long-range accommodation planning, the proposals may be added to this Plan by amendment.

3.6.2 Requirements for Development

Before any development that will generate additional pupils is approved, the Municipality shall be assured that the necessary pupil accommodation and any required school bussing will be provided.

3.7 PHYSICAL OR ENVIRONMENTAL CONSTRAINTS TO DEVELOPMENT

3.7.1 Definition of Areas

Areas with physical or environmental constraints to development fall within three categories:

(a) Natural Heritage Features

Natural heritage features include significant wetlands, significant Areas of Natural and Scientific Interest (ANSI), significant wildlife habitat, fish habitat, and the habitat of endangered and threatened species in the Township, as identified by the Ministry of Natural Resources and/or the Otonabee Region Conservation Authority.

(b) Other Areas with Natural Constraints

Other areas with natural constraints include lands that are susceptible to flooding or erosion, or which have soils, topography, drainage or similar conditions that make them unsuitable or premature for development.

(c) Areas with Human-Made Constraints

Areas with human-made constraints include lands that contain contamination which, unless removed or remediated, make these lands unsuitable or premature for development.

3.7.2 Designation of Areas

Certain areas with physical or environmental constraints to development are identified on Schedule “A” in the Environmental Protection designation, and are subject to the policies of Section 5.11 of this Plan. Wetlands and ANSIs are also identified on Schedule “B” of this Plan. It is recognized that there may be other lands in the Township with one or more of these features

that are not included in the Environmental Protection designation due to factors such as their size, location, or the lack of detailed information.

3.7.3 Policies for Natural Heritage Features

(a) Significant Wetlands

The precise boundary of a significant wetland shall be determined in consultation with the Ministry of Natural Resources and the Conservation Authority. New or enlarged significant wetlands shall be identified on Schedules “A” and “B” by amendment to this plan.

No development or site alteration other than existing agricultural uses or works subject to the *Drainage Act* will be permitted within a significant wetland.

Development of lands within 120 metres of a significant wetland shall only be permitted in accordance with the underlying land use designation following the completion of an environmental impact study (EIS) prepared in accordance with Section 3.7.6 of this Plan.

Where areas identified as significant wetlands are determined by the Ministry of Natural Resources or the Otonabee Region Conservation Authority not to form part of a wetland, development may be permitted in accordance with the adjacent land use designation and all other applicable policies of this Plan.

The policies of this section shall not be applied to prevent the issuance of a building permit nor necessitate an environmental impact study in support of a building permit on existing lots of record within 120 metres of an identified significant wetland, provided that the lot on which development is to occur is located in a designation other than Environmental Protection, or, if located in the Environmental Protection designation, satisfies all other applicable policies of Section 5.11 of this Plan.

No new lot shall be created by plan of subdivision or consent to a land severance, nor shall any zoning by-law amendment to permit a change in land use be enacted by Council within 120 metres of a significant wetland, except where all applicable policies of this Section are addressed to the satisfaction of the Municipality and the appropriate approval authority.

(b) Areas of Natural and Scientific Interest (ANSI)

Significant ANSIs are shown on Schedule “B” of the Plan.

Significant life science ANSIs within the Township include the Harris Island and Adjacent Lands. Significant earth science ANSIs include the Jermyn Drumlin, the Mead Creek Drumlin, the Villiers Drumlin, and the Peterborough Drumlin Field #2.

Development and site alteration may be permitted in or on lands adjacent to ANSIs if the applicant has demonstrated through the preparation of an environmental impact study (EIS) that

there will be no negative impacts on the natural features or the ecological functions for which the area is identified.

Notwithstanding the above policy, those portions of the Harris Island and Adjacent Lands ANSI that are identified as a significant wetland shall be subject to the policies of Section 3.7.3(a).

(c) Fish and Wildlife Habitat

Development and site alteration may be permitted in or on lands adjacent to fish habitat and significant wildlife habitat only if it has been demonstrated through the preparation of an environmental impact study (EIS) that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.

The Township may consult with the Ministry of Natural Resources or the Otonabee Region Conservation Authority with respect to the identification of fish and wildlife habitat.

(d) Endangered and Threatened Species

Development and site alteration will not be permitted in significant portions of the habitat of endangered and threatened species.

Development and site alteration may be permitted on lands adjacent to significant portions of the habitat of endangered and threatened species if it has been demonstrated through the preparation of an environmental impact study (EIS) that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.

The Township may consult with the Ministry of Natural Resources or the Otonabee Region Conservation Authority regarding the identification of the habitats of endangered and threatened species in the Township of Otonabee-South Monaghan.

(e) Determination of Adjacent Lands

For the purposes of Section 3.7.3, the lands adjacent to a natural heritage feature shall be determined as follows:

- (i) Within 120 metres of a Significant Wetland;
- (ii) Within 50 metres of an ANSI;
- (iii) Within 50 metres of significant wildlife habitat;
- (iv) Within 50 metres of the significant portions of the habitat of endangered and threatened species; and
- (v) Within 30 metres of fish habitat.

(f) Continuation of Agricultural Uses

Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue within or adjacent to a natural heritage feature.

3.7.4 Policies for Other Areas with Natural Constraints

Where other areas with natural constraints are designated as Environmental Protection on Schedule "A" the policies of Section 5.11 of this Plan shall apply to those areas.

Development will generally be directed to areas outside of:

- (a) Hazardous lands adjacent to the shoreline of Rice Lake that are impacted by flooding, erosion and/or dynamic beach hazards;
- (b) Hazardous lands adjacent to river and stream systems which are impacted by flooding and/or erosion hazards; and
- (c) Other hazardous sites that may be identified by the Township or the Otonabee Region Conservation Authority.

Development will not be permitted in a floodway that has been identified by the Otonabee Region Conservation Authority.

3.7.5 Policies for Areas with Human-Made Constraints

- (a) Definition

This Plan may identify areas that contain contamination which, unless removed or remediated, make these lands unsuitable or premature for development. Schedule "A" may also identify contaminant attenuation zones and buffer lands surrounding such constraint lands.

- (b) Impact Mitigation

As a general policy, contaminated sites will be restored as necessary prior to any activity on the site associated with a proposed land use such that there will be no adverse effect.

Any impacts identified by studies must be removed, isolated or otherwise mitigated to the satisfaction of the authority having jurisdiction before development will be permitted. Examples of satisfactory remedies to constraints include:

- (i) Full remediation of a human-made constraint, together with an executed Record of Site Condition in compliance with the *Guideline for Use at Contaminated Sites in Ontario*, and acknowledged as accepted by the Ministry of the Environment; or
- (ii) Risk-managed partial remediation of a human-made constraint that is acceptable to the Municipality and in accordance with a remediation plan approved by the Ministry of the Environment in conformance with the *Guideline for Use at Contaminated Sites in Ontario*.

Partial remediation of contaminated sites will only be acceptable to the Municipality where:

- (i) The potable groundwater resource is protected; and
 - (ii) Residual contamination will not pose a substantial health risk to future users of the subject lands or Township inhabitants generally, nor impair natural environmental features or functions.
- (c) Zoning

Lands where human-made constraints have not been verified to exist or where the constraints may be remedied so that the lands become suitable for development may be zoned for their existing use or possible future use, with a holding (H) symbol.

3.7.6 Environmental Impact Study (EIS)

Where an applicant is required to undertake the preparation of an environmental impact study (EIS) under Section 3.7.3, the Township may consult with the Ministry of Natural Resources or the Otonabee Region Conservation Authority regarding the content and detail of a required study.

As an EIS can differ in scope, the Township, in consultation with the Ministry of Natural Resources or the Conservation Authority, will determine whether a detailed or scoped EIS will be required.

Where a detailed site EIS is required, such study should address the following matters:

- (a) A description of the natural feature, including its boundaries, adjacent lands, and ecological functions on or adjacent to the site;
- (b) A description of the proposed development or site alteration;
- (c) The potential impacts of the proposed development or site alteration on the natural feature and the ecological functions for which the feature is identified;
- (d) Demonstrate how and where development or site alteration can occur such that there will be no negative impacts on the natural feature or on the ecological functions for which the area is identified;
- (e) Demonstrate that the development or site alteration will not create a subsequent demand for future development/site alteration that will negatively impact on the natural features or its ecological functions;
- (f) Demonstrate that the development or site alteration proposal will not conflict with existing site-specific resource management practices;

- (g) Provide a description of mitigation or compensation proposals designed to alleviate or eliminate negative impacts on the natural feature in a manner consistent with accepted engineering techniques and resource management practices; and
- (h) Any other matters identified by the Township, the Ministry of Natural Resources, or the Otonabee Region Conservation Authority.

An applicant shall also address any applicable environmental study requirements of the Peterborough County Official Plan.

3.8 SITE DEVELOPMENT REQUIREMENTS

3.8.1 Lot Sizes

The lot area and lot frontage should be suitable for the proposed uses, shall conform to the provisions of the Municipality's Zoning By-law, and shall comply with the relevant policies of Section 3.2 of this Plan.

3.8.2 Soil and Drainage

Development should only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses, and meet any applicable requirements of Section 3.2 of this Plan.

3.8.3 Road Setbacks

Setbacks from roads shall be provided in accordance with the implementing zoning by-law or the County of Peterborough roads policy to preserve the right-of-way widths specified in this Plan. Such setbacks should be sufficient to:

- (a) preserve the right-of-way widths specified in this Plan;
- (b) allow appropriate landscaping; and
- (c) permit the parking and movement of vehicles clear of any road allowance.

3.8.4 Rail Noise, Vibration and Mitigation Measures

- (a) All proposed development within 300 metres of a railway right-of-way may be required to undertake noise studies to the satisfaction of the Municipality and Ministry of the

Environment in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse impacts from noise that were identified.

- (b) All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies to the satisfaction of the Municipality and the Ministry of the Environment, in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse impacts from vibration that were identified.
- (c) All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway.

3.8.5 Parking and Loading Facilities

Off-street parking areas and loading facilities shall be provided for the applicable uses as required by implementing Zoning By-law. Such parking and loading facilities should be sufficient to minimize traffic disruption on adjacent roads.

3.8.6 Open Storage

Open storage shall be controlled through regulations set out in the implementing Zoning By-law and/or Site Plan Control By-law in order to minimize fire hazards and nuisance impacts on adjacent properties.

3.8.7 Development of Non-Residential Uses

As a condition of approval for the development or redevelopment of any non-residential use, the Municipality may require the developer to provide the following facilities along that side of the lot that adjoins a sensitive land use:

- (a) increased yards;
- (b) planting strips, screening, fencing and/or berms;
- (c) deflected lighting; and
- (d) prohibitions on parking, delivery, loading and open storage.

3.8.8 Development Agreements

As a condition of approval for the development or redevelopment of any lands in the Township of Otonabee-South Monaghan, the Municipality may require the developer to enter into an agreement with the Municipality pursuant to Section 41 of the *Planning Act*.

3.8.9 Restrictions on Site Alterations

The placing or removal of fill of any kind, whether originating on the site or elsewhere, and the grading of land may be regulated by the Conservation Authority or the Municipality. Irreversible alterations to the landscape should not be made until all aspects of the proposed development have been evaluated by the Municipality.

3.8.10 Minimum Distance Separations

The location of all new development shall be determined in conjunction with the Minimum Distance Separation Formulae, where relevant.

3.8.11 Ministry of Transportation Requirements

Under the authority of the Public Transportation and Highway Improvement Act, the Ministry of Transportation, through the issuance of permits, controls all land use within 45 metres of a provincial highway right-of-way and the area within 395 metres of the centre point of the intersection of the highway and any intersecting road. All development within the control area is subject to the approval of the Ministry of Transportation, and it is the responsibility of a landowner to acquire all necessary permits prior to the commencement of any construction.

3.9 CONVERSION OF USES

3.9.1 General

The Municipality will carefully evaluate the conversion of one land use type to another. Such conversions will only be permitted when the Municipality in accordance with Section 34(6) of the *Planning Act*, has issued a Certificate of Occupancy.

3.9.2 Requirements for Certificate of Occupancy

Any person applying for a Certificate of Occupancy shall provide Council with a report on all required details of the subject property. Prior to approving the issuance of such Certificate,

Council shall ensure that the subject property complies with all relevant policies of this Plan, including the following:

(a) Compatibility with Surrounding Land Uses

To ensure satisfactory land use compatibility between the proposed land uses and the existing land uses in the surrounding area, Council shall verify that the proposed use complies with the relevant land use designations and policies of this Plan.

(b) Provision of Public Services

To ensure that the subject property will be provided with the necessary public services in the most economical manner, Council shall ensure that the subject property complies with the relevant policies of Sections 3.1, 3.2, 3.3, 3.4 and 3.5 of this Plan.

(c) Water Supply and Sewage Disposal

If the subject property will utilize a private water supply and/or sewage disposal system, the policies contained in Section 3.2.7 of this Plan shall apply. Where conversion involves the installation, alteration or replacement of any sewage disposal system, a Certificate of Approval from the Township or its designate will be required in accordance with the Ontario Building Code.

(d) Protection of Environment

Conversions shall not be approved in areas with physical or environmental constraints except in accordance with the relevant policies of Section 3.7 of this Plan.

(e) Site Development Requirements

To ensure that the conversion can be properly accomplished on the subject property, Council shall ensure that the subject property complies with the relevant policies of Section 3.8 of this Plan.

(f) Building Condition

The subject buildings shall be of adequate size and construction for the proposed uses and shall comply with other applicable building, fire, and health and safety regulations.

(g) Zoning

The proposed uses shall comply with the applicable provisions of the Comprehensive Zoning By-law, with regard to permitted uses and regulations.

3.10 REFERENCE PLAN AREAS

Development on existing Reference Plan lot(s) will only be permitted when public road access is available to the lot(s) to be released for development. The roads on which the lot(s) front must be brought up to a standard acceptable to the municipality at the affected landowner(s) expense prior to any development taking place.

Should validation be necessary, the Municipal Council may pass a by-law pursuant to the requirements of the *Planning Act*.

3.11 HOME OCUPATIONS AND HOME INDUSTRIES

Home occupations and home industries, as defined in Section 1.5, offer opportunities for small-scale businesses to create new full-time or part-time employment in the Township. Home occupations and home industries are not intended to be activities that are more appropriately located in commercial or industrial areas.

The following policies shall apply:

(a) Home Occupations

Home occupations shall be permitted in all designations that permit residential uses. A home occupation should be small in scale and should not significantly change the appearance of a dwelling as a place of residence. A home occupation shall be compatible with surrounding uses. Adequate off-street parking shall be provided.

The implementing Zoning By-law shall establish zone provisions to regulate home occupations including, but not limited to, the maximum floor area devoted to the use, the location of a home occupation in a building, display of goods and storage, signs, limitations on employees, and the permitted types of home occupation uses.

(b) Home Industries

Home industries shall be established and operated only in those land use designations where they are identified as a permitted use. The establishment of small-scale commercial or industrial uses in an accessory building on the same lot as the proprietor shall be permitted provided that the use is compatible with surrounding uses. Adequate off-street parking shall be provided.

The implementing Zoning By-law shall establish zone provisions to regulate home industries including, but not limited to, the maximum building floor area, the minimum lot area, display of goods and storage, signs, the maximum number of employees, and the permitted types home industry uses.

3.12 LAND USE COMPATIBILITY

The encroachment of sensitive land uses and industrial uses on one another is discouraged. A separation distance in accordance with the Ministry of the Environment's *Land Use Compatibility* guideline and *Compatibility Between Industrial Facilities and Sensitive Land Uses* guideline will be incorporated between sensitive uses and industrial uses or other facilities that by their nature are incompatible with sensitive uses.

The following minimum separation distances between industrial land uses and sensitive land uses should be provided:

- (a) Class 1 Industrial Facility -- 20 metres
- (b) Class 2 Industrial Facility -- 70 metres
- (c) Class 3 Industrial Facility -- 300 metres

Separation or buffer areas may include open space, berms, walls, fences, vegetation plantings, municipal streets, or another land use different from the two conflicting uses, but compatible with both the industrial and sensitive land use.

3.13 HOUSING POLICIES

In accordance with the Provincial Policy Statement, Council shall:

- (a) encourage the provision of a mix and range for housing types in the municipality;
- (b) encourage a minimum 10-year supply of land designated for new residential development and residential intensification;
- (c) encourage that a 3-year minimum supply of registered or draft-approved lots and blocks for new residential development is available at all times;
- (d) encourage housing forms and densities designed to be affordable to moderate and lower income households;
- (e) reduce the time to process residential applications to the greatest extent practical;
- (f) encourage residential intensification where practical; and
- (g) monitor the provision of affordable housing in the municipality.

3.14 WATER SETBACKS

All development shall be set back sufficiently from the high water mark of any lake or watercourse to ensure the protection of water quality and natural stream and valley lands. It is intended that specific setback provisions for development shall be contained in the implementing Zoning By-law.

3.15 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments will generally be permitted in all land use designations where residential uses are permitted subject to the following:

- (a) Such use shall only be permitted in a single detached dwelling;
- (b) The property is the principle residence of the person operating the bed and breakfast establishment;
- (c) Such establishments shall not detract from the residential character of the surrounding area; and
- (d) Appropriate regulations shall be included in the implementing Zoning By-law to govern the establishment and operation of bed and breakfast establishments within the Municipality. Matters to be included in such regulations include:
 - (j) The maximum number of guest rooms per establishment;
 - (ii) The provision of adequate off-street parking spaces;
 - (iii) Restrictions on the size and nature of advertising signs; and
 - (iv) Restrictions on the type of dwelling in which such use may be established.

3.16 EXISTING LAND USES

Any land use existing at the date of approval of this Plan that does not conform with the land use designations as shown on Schedule "A" as a general rule should in the long term cease to exist. In special instances, however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that such extensions and enlargements shall be handled through the use of Section 34(10) or Section 45 of the *Planning Act*.

3.16.1 Section 34(10) of the *Planning Act*

In accordance with Section 34(10) of the *Planning Act*, any application for the extension or enlargement of an existing use which is not permitted in the implementing zoning by-laws (hereinafter called a "non-conforming use") shall be dealt with in the following manner:

(a) Feasibility of Acquisition

The Township Council shall determine the feasibility of acquiring the property concerned at the time of application or some future date, and of holding, selling, leasing or redeveloping the property in accordance with the provisions of the *Planning Act* or other applicable legislation. At the same time consideration shall be given to the possibility of relocating the use under consideration to a designated and zoned location where it would be able to function under improved conditions in accordance with the politics of this Plan.

(b) No Amendment to Official Plan

If, after investigation, municipal acquisition of the property does not appear to be feasible but the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider passing a zoning by-law amendment pursuant to Section 34(10) of the *Planning Act*. Such by-law may then be passed without amending this Plan, provided it complies with the policies of Paragraph (c) below.

(c) Township Council Consideration

The Township Council, before passing such a By-law, shall be satisfied that any of the following requirements which are relevant to the specific application for the extension or enlargement of the use are, or will be, fulfilled in order to safeguard the wider interests of the general public:

- (i) That the proposed or enlargement of the established use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the implementing Zoning By-law applying to the area.
- (ii) Where an extension or enlargement is proposed in an environmentally sensitive area, the Ministry of Natural Resources and/or the Conservation Authority shall be consulted.
- (iii) That the proposed extension or enlargement shall be in an appropriate proportion to the size of the use established prior to the passing of the implementing Zoning By-law.
- (iv) That an application which would affect the boundary areas of different land use designations on the Land Use Plan will only be processed under this policy if it can be considered as a “minor adjustment” permitted under the flexibility clause of Section 1.4.1 of the Official Plan without the need for an amendment. Any major variances will require an amendment to the Official Plan.
- (v) That characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic-generating capacity. No amendment to the implementing Zoning

By-law shall be made if one or more of such nuisance factors will be created or increased so as to add significantly to the incompatibility of the use with the surrounding area.

- (vi) That the neighbouring uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area.
 - (vii) That traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections.
 - (viii) That adequate provision has been, or will be made for the off-street parking and loading facilities.
 - (ix) That applicable municipal services such as storm drainage, water supply and roads are adequate or can be made adequate.
- (d) Council Decision

Council will not pass a Zoning By-law Amendment pursuant to Section 34(10) of the *Planning Act* before being satisfied as to the policies contained in Paragraph (c) above.

3.16.2 Section 45 of the *Planning Act*

Section 45 of the *Planning Act* concerns applications to the Committee of Adjustment. The Committee may authorize minor variances from the provisions of Implementing Zoning By-laws or such other By-laws, as considered appropriate by Council. The Committee shall only approve a minor variance if in the opinion of the Committee such variance is desirable for the appropriate development or use of the land, building or structure or the use thereof, and the general intent and purpose of this Plan and Implementing Zoning By-laws are maintained.

3.17 PETERBOROUGH AIRPORT

This Plan recognizes the air traffic activity associated with Peterborough Municipal Airport, located just to the west of the Municipality in the former Township of North Monaghan. The noise exposure (NEF) contours for the airport, as forecasted to the year 2007, indicate that the 30 NEF contour does not extend into the Township of Otonabee-South Monaghan. Nevertheless, the Municipality will have regard to the operations of the airport when reviewing proposals for

new development, and may consult with the City of Peterborough with respect to new land uses within the area covered by the Peterborough Airport Zoning Regulations, as amended.

3.18 MAJOR LAND USE OR INFRASTRUCTURE

3.18.1 Definition

The following are deemed to be Major Land Use or Infrastructure, unless they are a Public Use as provided by Section 3.19:

- (a) airports, whether publicly or privately owned or operated, but not including heliports or non-commercial, unpaved air strips or air fields;
- (b) amusement facilities of a permanent nature that have a regional or broader draw, such as aquariums, zoos, casinos, resorts, commercial racetracks, and similar recreation, tourist, or entertainment facilities;
- (c) bus, rail, or truck terminals (including associated yards and storage buildings) but excluding drop-off or pickup facilities ancillary to another land use;
- (d) correctional facilities (including mental health institutions), but excluding temporary or permanent residences for the treatment and recovery of persons with physical illness, addictions, disabilities, handicaps or intellectual development disabilities;
- (e) dams, reservoirs, canals, or other engineered waterways or water control/diversion structures for transportation, electricity generation, or water supply purposes, but excluding municipal drains;
- (f) electric power generating stations and large-scale commercial wind energy facilities (including related distribution facilities and transmission corridors);
- (g) flammable or combustible liquid bulk storage facilities (including tank farms and bulk storage associated with manufacturing operations) but excluding a storage system for an individual service station or similar retail sales outlet or a farm;
- (h) natural gas, propane, or similar fuel / energy distribution facilities (including deep well or cavern storage) but excluding local gate or regulating stations;
- (i) non-residential development that will use large amounts of water or will require supply, treatment, or disposal as provided in Section 3.2.5 of this Plan;
- (j) places of entertainment, retail outlets, or service shops defined as adult entertainment parlours in the *Municipal Act*;
- (k) religious retreats and sanctuaries, excluding local places of worship;
- (l) educational institutions of a permanent nature, but excluding elementary schools as defined in the *Education Act* and other public or private educational institutions of a size or scale of operations similar to or smaller than elementary schools;

- (m) resource extraction or processing, including oil or petroleum products, gravel pits (but excluding public road authority wayside pits), stone quarries, and other mining (including open pit, underground, or salt solution), concrete batching, and asphalt batching;
- (n) shopping centres, commercial malls, or cluster development of retail, wholesale, or factory-outlet stores; and
- (o) waste management facilities (including landfills, dumps, incinerators, transfer stations, recycling facilities, composting facilities, sludge lagoons, settling basins, deep well or brine cavern placement, salvage yards, wrecking yards, and tire disposal or used tire storage sites).

3.18.2 Amendments Required

An amendment to this Plan is required to permit the establishment of a Major Land Use or Infrastructure where the Permitted Uses provision of the current land use designation does not provide for the Major Land Use or Infrastructure. In all cases, an amendment to the Zoning By-law shall be required to establish a Major Land Use or Infrastructure.

3.18.3 Application Requirements

Any application to amend the Official Plan or Zoning By-law to permit the establishment or other development of Major Land Use or Infrastructure shall include all of the following items, in addition to the relevant information required by Section 8.16 of this Plan:

- (a) Background Studies

The applicant shall provide one or more reports which address the following matters:

- (i) the suitability of the selected location to accommodate the proposed use in the context of the policies of this Plan;
- (ii) the potential for land use conflicts and nuisance impacts on other properties in the Municipality together with proposals for reducing or eliminating those impacts; and
- (iii) the potential impacts on the Municipality's services and financial resources, together with proposals for reducing or eliminating those impacts.

3.18.4 Additional Requirements

If, after reviewing the reports of the other commenting agencies and approval authorities, Council decides that it does not have sufficient information to make a proper evaluation of a Major Land Use or Infrastructure proposal, the applicant may be required to provide or fund any or all of the following:

(a) Additional Background Studies

The Municipality may require one or more reports which address any or all of the following matters:

- (i) the potential impacts on the natural environment (including ecological features and functions) and the natural resources of the Municipality, together with proposals for reducing or eliminating those impacts; and
- (ii) the potential impacts on the built heritage resources or archeological resources of the Municipality together with proposals for reducing or eliminating those impacts.

(b) Peer Reviews

The Municipality may require a review by an expert satisfactory to the Municipality of any of the material submitted on behalf of the applicant or provided by another agency.

3.19 PUBLIC USES

3.19.1 Permitted Public Uses

Notwithstanding any provision of this Plan, a Public Use is permitted in all areas on Schedule “A” provided that:

- (a) it is necessary in the area;
- (b) it is located outside of significant wetlands wherever possible;
- (c) the location is approved by the Municipality;
- (d) it can be made compatible with its surroundings; and
- (e) adequate measures to mitigate impacts are taken to ensure this compatibility.

3.19.2 Definition of Public Uses

Public uses shall include:

- (a) road and railway rights of way;
- (b) the following uses which serve local development:
 - (i) public parks and linear trail systems that are owned or managed by a public authority;

- (ii) electrical and natural gas distribution facilities; and
- (iii) linear utilities such as water mains, sanitary sewers, storm sewers, gas lines, electrical lines, telephone lines, and cable television lines;
- (c) a recreational trail system managed for public use.

3.20 UNDESIRABLE USES

3.20.1 General Policy Regarding Undesirable Uses

During 1998 to 2000, the Township completed a land use planning review under an Interim Control By-law concerning land uses that have the potential to cause environmental impacts or that may create land use conflicts with nearby land uses. One category of these land uses included those that could be considered as undesirable within the Municipality due to potential significant environmental, social or economic impacts. Examples of this category of land use include the following:

- (a) any facility for manufacturing, processing, otherwise using, or storing that presents an emergency-response hazard;
- (b) any facility containing a process that presents an emergency-response hazard;
- (c) any mobile home or any rented site for a mobile home or any mobile home park which constitute a 'residential complex' within the meaning of the *Tenant Protection Act*;
- (d) any operation by a tax-exempt non-government organization on a property larger than 5 hectares in area, excluding lands regulated, covenanted, or otherwise limited to not-for-profit environmental protection, conservation or community benevolent purposes;
- (e) any public-sector Major Land Use or Infrastructure for which a rationale for its undertaking, deemed acceptable by the Municipality, is not provided; and
- (f) any meat by-product processing plant (for example, a rendering plant).

Council shall, in an implementing Zoning By-law, establish appropriate definitions and zoning regulations concerning land uses that may be prohibited in the Municipality.

3.21 ACCESSORY USES

Any use, building or structure, which is normally incidental and accessory to a main use, shall also be permitted. However, none of the following accessory uses shall be permitted by the implementing Zoning By-law except in those specific zones where such accessory use is listed as a permitted use:

- (a) an accessory manufacturing use;
- (b) a building or portion thereof used for human habitation;

- (c) a gasoline pump island;
- (d) a livestock building;
- (e) a marine facility;
- (f) any occupation for gain or profit conducted within or accessory to a dwelling unit; and
- (g) an open storage area.

An accessory use does not include Major Land Use or Infrastructure as defined in Section 3.18 of this Plan.

3.22 WAYSIDE PITS AND WAYSIDE QUARRIES

3.22.1 Definition

For the purposes of this Plan, “wayside pit” and “wayside quarry” means a temporary pit or quarry opened and used by a public authority solely for the purpose of a particular project or contract of road construction and not located on a road right-of-way. A wayside pit or wayside quarry is not a Major Land Use or Infrastructure as defined in Section 3.19 of this Plan.

3.22.2 No Requirement for Amendment

Wayside pits and wayside quarries used on public authority road projects may be permitted without amendment to this Plan or the Zoning By-law in the Rural, Agricultural and Aggregate Resources designations provided that these facilities are issued a permit by the Ministry of Natural Resources pursuant to the *Aggregate Resources Act*, and are deemed to be compatible with existing sensitive land uses.

3.22.3 Rehabilitation Requirements

On specialty crop lands and lands comprised of classes 1 to 3 soils as identified by Canada Land Inventory mapping for Agriculture and designated as Agricultural on Schedule “A” of the Plan, wayside pit and quarry extraction may occur provided the agricultural rehabilitation of the site is professionally carried out and substantially the same acreage and average soil capability for agriculture are restored.

3.23 NOISE LEVELS

No new residential development shall be permitted in any area where it is anticipated that noise levels will exceed provincial noise guidelines, unless appropriate noise control measures are employed to reduce noise levels to meet provincial noise level guidelines.

3.24 GROUP HOMES

Group homes shall be permitted within lands designated as Hamlet, Shoreline, Existing Residential, Agricultural and Rural. Where a group home is to be established on the Agricultural Designation, the home may only be located in an existing house and shall not qualify for a severance.

It is the intent of the Plan where a group home is a permitted use it shall be defined as a single housekeeping unit in a residential dwelling in which individuals live as a unit under responsible supervision consistent with the particular requirements of the resident and which provides accommodation for 3 to 10 persons. New group homes located within the Municipality shall generally accommodate the needs of the residents of the area. Group homes shall be licensed, approved and/or funded under provincial and federal statutes and maintained in compliance with municipal by-laws.

Council may, in a zoning by-law, provide the following regulations for group homes:

- (a) the maximum number of residents (excluding staff and/or receiving family) in a Group Home;
- (b) a minimum distance between group homes;
- (c) a maximum number of group homes per 1000 people; and
- (d) specific location requirements which shall include such concerns as accessibility to community services, compatibility with adjacent uses, the character of the neighbourhood, adequate off-street parking, fire regulations, building code compliance and evidence of adequate services for the group home residents;

For purposes of the above regulations, group homes may be categorized by type. In general, such types shall be established by reference to the appropriate provincial legislation and may form the basis for zoning regulations.

Council may pass a by-law providing for the registration of group homes in accordance with Section 166 of the *Municipal Act*, S.O., 2001.

3.25 PORTABLE ASPHALT PLANTS

3.25.1 Definition

Portable asphalt plant means a facility:

- (a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage to bulk materials used in the process; and
- (b) which is not of permanent construction but is designed to be dismantled and moved to another location as required.

A portable asphalt plant is not a Major Land Use or Infrastructure as defined in Section 3.18 of this Plan.

3.25.2 No Requirement for Amendment

Portable asphalt plants used by a public authority or their agent on public authority road projects shall be permitted in the Employment Areas, Aggregate Resources, Rural and Agricultural designations without amendment to this Plan or the Zoning By-law.

3.25.3 Separation Distances

Portable asphalt plants must comply with the Ministry of the Environment's recommended separation distances and must obtain the necessary approvals from the Ministry of the Environment.

3.26 CONDOMINIUM DEVELOPMENTS

New condominium projects shall be encouraged as providing additional opportunities for residential and commercial/industrial development, ownership and private equity participation. In this regard, the Township will consider new forms of condominium developments under the *Condominium Act, 1998*, such as vacant land condominiums, having regard to the following matters:

- (a) the ownership of common facilities such as access roads, open space and recreation areas, stormwater management systems, water and sewage systems, and common-use buildings and other facilities, including standards for the design, operation and maintenance of these facilities;
- (b) the provision of services such as garbage collection and snow removal;

- (c) where applicable, the provision of adequate financial securities to ensure that common facilities and services do not become a financial burden on the Municipality; and
- (d) all applicable policies of this Plan.

3.27 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCE CONSERVATION

3.27.1 Heritage Conservation

The Municipality recognizes the importance of cultural heritage resources and landscapes within the Township of Otonabee-South Monaghan. The Municipality will encourage the identification, restoration, protection, maintenance and enhancement of cultural heritage resources and landscapes, including significant built heritage resources. All new development permitted by the land use policies and designations of this Plan shall have regard for cultural heritage resources and landscapes and shall, wherever possible, incorporate these resources into any development plans. In addition, all new development will be accommodated in a manner which preserves and enhances the character and the context in which cultural heritage resources and landscapes are situated.

3.27.2 Local Architectural Conservation Advisory Committee

A Local Architectural Conservation Advisory Committee (LACAC) may be established pursuant to the *Ontario Heritage Act* to advise and assist the Township Council on all matters related to cultural heritage resource conservation in the Municipality.

Pursuant to the *Ontario Heritage Act*, and in consultation with the LACAC, the Township Council may, by by-law, designate properties to be of historical or archaeological value or interest.

3.27.3 Archaeological Resources

The Municipality recognizes that there may be archaeological resources within the boundaries of the Township of Otonabee-South Monaghan. Where areas contain archaeological resources or have been determined to possess archaeological potential, Council may permit development subject to an archaeological assessment conducted by an archaeologist licensed under the *Ontario Heritage Act*.

3.28 TRENT-SEVERN WATERWAY

The Municipality recognizes the national historic significance of the Trent-Severn Waterway, and the natural and cultural resources of the shorelands adjacent to the Waterway. Council will have regard to the applicable recommendations of the Trent-Severn Waterway Management Plan in the implementation of this Official Plan.

SECTION 4 LAND DIVISION POLICIES

4.1 DETERMINATION OF LAND DIVISION METHOD

4.1.1 Requirements for Plans of Subdivision

Generally all land division in the Township of Otonabee-South Monaghan shall take place by registered plan of subdivision. A plan of subdivision shall normally be required in the following instances:

- (a) where more than three lots (three severed and one retained) are to be created (including previous severances);
- (b) where a new public road or an extension to an existing public road is required; or
- (c) where the provision or extension of municipal servicing (water and/or sewers, including communal servicing) is required.

4.1.2 Consent to a Land Severance

Where a plan of subdivision is not necessary for the proper and orderly development of the subject and surrounding lands, land division through the consent process may be considered. In reviewing any application for a consent to a land severance, the Consent Granting Authority shall consider the need for a plan of subdivision.

4.1.3 Number of New Lots

The number of new lots created by consent per land holding in all designations other than the Rural and Agricultural designations shall be limited to three plus the retained parcel.

In all designations except the Rural and Agricultural designations, a holding is a parcel of land recorded as a separate parcel in the Land Registry Office as of April 15, 1980. Special policies for lands in the Rural and Agricultural designations are outlined in Section 4.2.3.

4.2 GUIDELINES FOR LAND SEVERANCE APPROVALS

It shall be a policy of this Plan that the Municipality shall only recommend for approval applications for a consent to a severance that conform to this Plan and particularly the policies set out below. When considering an application for a consent to a severance, the Consent Granting Authority shall be guided by the following policies.

4.2.1 General Criteria

- (a) Severances which create new lots may only be considered when both the newly created lot and the retained lot front on an assumed public road which is currently maintained on a year-round basis.
- (b) The parcel of land to be created by severance and the proposed use shall conform to all applicable provisions of the Zoning By-law save that the consent to sever may be granted on the condition that a zoning by-law amendment be approved or that the condition may be varied by the Township's Committee of Adjustment, where such action is warranted.
- (c) Severances which have the effect of changing boundary lines and which do not create additional new buildable lots (for example, lot additions) may be evaluated on their own merits, except as stipulated in Section 4.2.3(g).
- (d) Consents for easements shall generally be preferred to consent for severance where linear rights-of-way are being created.
- (e) An application for a severance shall have the effect of creating only one (1) new lot in addition to the retained lot. If more than one (1) new lot is created, an additional application shall be required. Except as provided for in Section 4.2.3, the maximum number of lots that can be created by consent shall be three (3) severed lots and one (1) retained lot.
- (f) An application for a severance should not be granted where such severance would result in a demand for the extension of municipal services.
- (g) An application for severance involving merged properties which formerly existed as separate and distinct parcels may be permitted, providing such application is considered to be in conformity with the relevant policies of this Plan and the Township's Zoning By-law, and new or additional lots are not being created.
- (h) An application for a severance shall not be granted where the proposed use would contravene the Minimum Distance Separation formula requirements.
- (i) An application for a severance in environmental sensitive areas such as lands subject to flooding, erosion, steep slope, wetlands, other significant wildlife or biological settings or other hazardous or sensitive conditions shall not be granted unless sufficient lands are available outside the sensitive area to accommodate the development and associated services. In considering severance applications in these areas, the Otonabee Region Conservation Authority should be consulted. An application for a severance in environmental sensitive areas shall be subject to the policies contained in Section 3.7.
- (j) An application for a severance in the Aggregate Resource designation, or within 300 metres of an area designated Aggregate Resource, shall not be granted if the proposed

land use or development would preclude or hinder the establishment of new aggregate extraction operations or access to the aggregate resource. An application for a severance shall only be permitted if a study or site investigation undertaken to the satisfaction of the Township of Otonabee-South Monaghan confirms:

- (i) resource use would not be feasible; or
 - (ii) the proposed land uses or development serves a greater long term public interest; and
 - (iii) issues of public health, public safety and environmental impact are addressed.
- (k) In considering an application for a severance within 300 metres of a principal railway main line, the consent granting authority may require the proponent to submit noise and vibration studies in accordance with Section 3.8.4 of this Plan. These studies should be prepared in accordance with Provincial guidelines and the satisfaction of the Township and the appropriate railway. Measures to mitigate any adverse effects from noise and vibration that are identified shall be required as a condition of consent.
- (l) An application for a severance shall comply with the relevant provisions of Section 3.0, General Development Policies, of this Plan.
- (m) Conditions of consent may be established and, without limiting the foregoing, the following conditions may be established:
- (i) registration of notices on title in accordance with the policies of this Plan;
 - (ii) rezoning of the severed or retained parcels;
 - (iii) undertakings for the joining together of lands under the same owner's name;
 - (iv) responsibility for surveying and fencing;
 - (v) adequate provision for storm water management; and
 - (vi) payment of all applicable development charges, dedications and property taxes.
- (n) Direct access from Provincial Highways and County Roads will be discouraged. Access to new lots shall be reviewed by the Municipality and the Consent Granting Authority as appropriate to ensure compliance with applicable entrance by-laws or regulations.

4.2.2 Severance Policies for Residential, Commercial, Industrial and Institutional Uses

- (a) An application for a severance should not be approved where access might create a traffic hazard because of limited sight lines on curves or grades. Attention should be given to the function of the road in the Transportation policies of Section 7.0 of this Plan.

- (b) The size of any parcel of land created by severance should be appropriate for the proposed use and the services available.
- (c) In determining whether a lot severance is to be given, regard should be had for such matters as the dedication of land or cash levies for park purposes, the dedication of land for future road widening and agreements pursuant to the *Planning Act*.
- (d) An application for a severance to create a new lot should only be considered when it has been determined by the local Health Unit or appropriate agency that soil and drainage conditions are suitable to permit the proper siting of buildings to obtain sufficient potable water and to permit the installation of an adequate means of sewage disposal for both the severed and retained parcels.
- (e) Non-farm residential lot severances may be permitted in those areas designated as Hamlet, Existing Residential and Shoreline, subject to the land use and development policies of those designations.
- (f) Non-farm residential lot severances may be permitted in the Rural designation, subject to the policies of Section 4.2.3.
- (g) Non-farm residential lot severances shall not be permitted in those areas designated as Agricultural except for those consents outlined in Section 4.2.3(h) of this Plan (infilling situations).
- (h) In order to provide maximum flexibility for land development in the Commercial and Employment Areas designations, land severances in these designations shall be encouraged.

4.2.3 Special Severance Policies for the Rural and Agricultural Designations

The following special policies shall apply to applications for severance in the Rural and Agricultural designations:

(a) General

The fragmentation of land holdings within the Rural and Agricultural designations shall be generally discouraged. A consent to a land severance may be granted by the Consent Granting Authority for lands in the Rural or Agricultural designation in accordance with the following criteria, subject to compliance with all relevant provisions of Section 4.2.1 and 4.2.2.

(b) Eligible Parcels of Land

For the purposes of Section 4.2.3, a parcel of land will be eligible for the severance of a residential building lot if such parcel is recorded as a separate parcel in the Land Registry

Office at least 25 years prior to the date of the severance application. A parcel will still be eligible if its boundaries have changed more recently, provided that the boundary change resulted from an expropriation or other government acquisition or if the parcel was enlarged by farm consolidation, or, in the case of the Rural designation, one severance was granted prior to the date of approval of this Official Plan.

(c) Number of Severances and Timing of Severances

Notwithstanding any other provision of this Plan, residential severances in the Rural designation will be limited to two (2) new lots (i.e., two severed parcels) for each eligible parcel of land, and residential severances in the Agricultural designation will be limited to one (1) new lot (i.e., one new severed parcel) for each eligible parcel of land.

A minimum period of five (5) years shall elapse between the granting of severances for residential lots from an eligible parcel of land in the Rural designation. This minimum time period begins on the date of the first severance being recorded as a separate parcel in the Land Registry Office.

In circumstances where there is more than one land use designation on a property, for example Rural and Shoreline, or Agricultural and Shoreline, this policy shall only apply to the portion of the lot that is designated Rural or Agricultural. The severance policies for the other designations will be applied independently of the Rural or Agricultural severance policies, subject to the limitation on total severances per holding as set out in Section 4.1.3 of this Plan.

(d) Previous Land Divisions

Notwithstanding Section 4.2.3(c), if two (2) or more land divisions have already been created from an eligible parcel of land in the Rural designation, or if one (1) or more land divisions have already been created from an eligible parcel of land in the Agricultural designation, no further severances will be granted within 25 years of the date of the most recent severed parcel being recorded as a separate parcel in the Land Registry Office unless:

- (i) the lands are within a split designation as described in Section 4.2.3(c), and the previous severance took place outside of the portion of the lot designated Rural or Agricultural; or
- (ii) a previous severance was permitted by Section 4.2.3(g) below; or
- (iii) a previous severance was for a non-residential use, for example, for a permitted commercial or industrial use.

(e) Preferred Locations

Where a severance to create a residential building lot is proposed in the Rural or Agricultural designation, it shall, wherever possible, be directed to lands which are unsuitable for agricultural production.

(f) Residential Lot Sizes

A lot created by severance for residential purposes should generally not exceed 3,000 square metres in area except where site conditions require a larger lot size:

- (i) to satisfy requirements of the Health Unit or the Ministry of the Environment ; or
- (ii) to accommodate physical features of the site; or
- (iii) to avoid the creation of an irregularly-shaped lot.

(g) Rural/Agricultural Lot Sizes

Nothing in this plan shall prevent a severance where both the severed and retained parcels exceed 36 hectares in area.

Nothing in this Plan shall prevent a parcel of any size being severed into two (2) parcels, so long as the severed parcel is consolidated with an abutting farm, and the retained parcel complies with Section 4.2.3(f) above and has an existing house located on it. The severance application shall comply with the Minimum Distance Separation formula requirements.

(h) Lot Creation in the Agricultural Designation

Notwithstanding any other provision of this Plan, severances in the Agricultural designation shall only be permitted in accordance with the following provisions:

- (i) the application is for a farm retirement lot as defined in Section 1.5 of this Plan;
- (ii) the application is for a residence surplus to a farming operation as defined in Section 1.5 of this Plan;
- (iii) the application is for agriculture-related uses as defined in Section 1.5 of this Plan;
- (iv) the application is for residential infilling as defined in Section 1.5 of this Plan;
- (v) the application is for agricultural uses as defined in Section 1.5 of this Plan and both the severed and retained parcels exceed 36 hectares in area;

- (vi) farm-related residential lots pursuant to this section shall be directed to the poorest productive land whenever possible. The size of the lot to be created should be kept to a minimum. However, lots of larger size and frontage may be considered where the lands included have limited agricultural potential.

4.3 GUIDELINES FOR SUBDIVISION AND CONDOMINIUM APPROVALS

4.3.1 General Subdivision/Condominium Policies

It shall be the policy of the Municipality to only recommend to the Approval Authority for draft approval a proposed plan of subdivision or condominium that conforms to the policies of this Plan. In considering a proposed plan of subdivision or condominium, the Municipality and the Approval Authority shall be guided by the relevant objectives and policies of this Plan, in addition to the following.

4.3.2 Development Patterns

The development pattern of the proposed subdivision or condominium should mesh with existing development and roads on adjacent lands. To ensure that undeveloped lands adjacent to the proposed subdivision/condominium do not become landlocked or difficult to access, the development pattern should make provision for access to such lands if required. Wherever possible, the layout of proposed lots and roads should conform to the topography. The development pattern should also recognize and maintain natural linkages.

4.3.3 Compatibility of Land Uses

Consideration shall be given to the land use designations and policies of this Plan to ensure compatibility between the type of development proposed for the subdivision or condominium and the land uses, both existing and future, in the surrounding area.

4.3.4 Provision of Public Services

The Municipality shall ensure that the proposed subdivision or condominium shall be provided with all necessary public services and amenities in accordance with the relevant policies of Sections 3.1, 3.2, 3.3, 3.4, 3.5 and 3.6 of this Plan.

4.3.5 Water Supply and Sewage Disposal

Development may take place on either individual private service systems or public piped services in accordance with the relevant policies of Section 3.2 of this Plan.

4.3.6 Physical or Environmental Constraints to Development

The Municipality shall review a proposed plan of subdivision or condominium in accordance with the policies of Section 3.7 of this Plan.

4.3.7 Stormwater Management

A stormwater management plan in accordance with the relevant policies in Section 3.3 shall be required.

4.3.8 Minimum Distance Separation Requirements

The Municipality shall ensure that subdivision proposals comply with the Ministry of Agriculture and Food Minimum Distance Separation requirements, as amended from time to time.

4.3.9 Additional Evaluation Criteria

In addition to the matters outlined above, an application for a plan of subdivision or condominium shall be evaluated in accordance with the provisions of Section 51(24) of the *Planning Act*.

4.3.10 Subdivision Agreements

It shall be the policy of this Plan that Council will enter into an agreement with a developer as a condition of approval of a plan of subdivision or a plan of condominium. Such agreement shall set out among other matters, the provision of services and the dedication of lands for park and highway purposes, and the specifications of these services and facilities. A subdivision agreement shall specify the financial requirements of the Municipality and the means by which the developer will satisfy these requirements.

4.3.11 Zoning of Subdivision or Condominium Proposals

Lands subject to a subdivision or condominium proposal shall be zoned for their intended use as a condition of draft approval. A Holding provision in accordance with Section 8.4 of this Plan may be applied to the zoning by-law amendment for the plan of subdivision/condominium.

SECTION 5 LAND USE POLICIES

5.1 LAND USE PLAN

The land resources of the Township of Otonabee-South Monaghan shall be developed in accordance with the land use plan shown on Schedule “A” and the policies contained within this Plan.

5.1.1 Land Use Designations

Schedule “A” establishes the pattern of development by dividing the municipality into the following land use designations:

- Hamlet
- Existing Residential
- Shoreline
- Commercial
- Employment Areas
- Aggregate Resource
- Agricultural
- Rural
- Recreation/Conservation
- Environmental Protection
- Waste Disposal

The policies governing the use of lands in the Township of Otonabee-South Monaghan are described in the following subsections.

5.1.2 Urban Fringe Area

There are two areas adjacent to the City of Peterborough which are included within the Urban Fringe Area symbol on Schedule “A”. These areas generally include the Phase 1 and Phase 2 boundary adjustment agreements between the Municipality and the City. These lands are generally defined by: (a) the lands north and west of Driscoll Road and County Road 21 in the vicinity of the Hamlet of Coldsprings, and (b) the lands north of Highway No. 7 and west of Burnham Line (excluding Mark S. Burnham Provincial Park).

For lands within the Urban Fringe Area symbol on Schedule “A” all of the relevant policies of the land use designations shall apply to land use and development. Any applications for land use development within the Urban Fringe Area will be circulated to the City of Peterborough for review and comments. The Township Council and any planning approval authority will have regard to comments from the City of Peterborough.

5.2 HAMLET

Hamlets in the Township of Otonabee-South Monaghan include the following settlement areas:

- Keene
- Lang
- Stewart Hall
- Woodview
- Indian River
- Coldsprings
- Assumption
- Bailieboro
- Fraserville
- South Monaghan
- Bensfort Bridge
- Donwood

The purpose of the Hamlet designation is to recognize the essential mixed-use character of these settlements within the Township of Otonabee-South Monaghan. Hamlet areas are intended to provide a sufficient supply of land for residential, commercial, small-scale industrial, recreation/open space and institutional uses to accommodate projected growth over the 20-year time frame of this Plan.

In order to protect and enhance this mixed-use character, the following principles are to be considered in the development and control of these lands.

5.2.1 Pattern of Development

The future development of Hamlets will take place primarily in the form of registered plans of subdivision adjacent to and as a natural extension of existing development. Future development will be encouraged in depth rather than in strips along the main roads.

Provisions shall be made, in appropriate locations, to leave access routes from the main roads to allow for new development to take place behind the existing development. Infilling between existing dwellings and the development of existing lots shall be permitted provided that the new uses are compatible in type and density with the adjacent existing development.

5.2.2 Permitted Uses

Permitted uses shall include residential, commercial, small-scale industrial, recreation/open space, institutional and community facilities.

5.2.3 Residential Uses and Development

(a) Residential Uses

Permitted residential uses in the Hamlet areas shall include low and medium density residential uses including single detached dwellings, duplex and semi-detached dwellings, converted dwellings, and multiple-unit dwellings such as triplexes, fourplexes, row or townhouses, and low-rise apartment dwellings. Dwelling units in or above commercial or institutional buildings shall also be permitted.

Home occupations and home professions, and bed and breakfast establishments shall be permitted in Hamlet areas, subject to the policies of this Plan and the regulations of the Implementing Zoning By-law.

(b) Residential Development Policies

Single-detached dwellings shall be the predominant form of residential development in the Hamlet areas.

New residential development shall comply with the relevant policies of Sections 3.0 and 4.0 of this Plan.

In addition to the requirements of Section 4.3, all proposals for residential development by registered plan of subdivision or condominium shall be accompanied by:

- (i) an engineering report which demonstrates that there is an available and adequate supply of potable water, and that soil conditions will permit the installation and efficient operation of private sewage disposal systems; and
- (ii) a preliminary engineering feasibility report, which demonstrates that services such as stormwater drainage, including on-site water quality/quantity facilities, and roads can be satisfactorily accommodated.

Until such engineering studies are received and approved, the Township Council will not recommend to the approval authority that draft plan approval be granted to the subdivision or condominium proposal.

New residential development on individual private services should, where possible, take place on lots having sufficient area and frontage to provide for future development intensification through splitting of lots should municipal piped services become available. The design and siting of proposed buildings on such lots shall be evaluated by the Municipality in the context of future use of the lots for more intense development. The siting of proposed buildings may be regulated through zoning in the form of extended side yards in order to accommodate future development intensification.

A secondary plan in accordance with Section 8.17 of this Plan may be required prior to any residential plan of subdivision of condominium being considered which is not a natural extension to the existing built-up part of the Hamlet, or involves the establishment of new public roads other than internal roads in the plan of subdivision or condominium.

5.2.4 Non-Residential Uses and Development

(a) Non-Residential Uses

Permitted non-residential uses in Hamlets may include public and institutional uses such as parks, schools, places of worship, municipal and other public buildings; commercial uses such as automobile service stations and gas bars, local retail stores, small-scale offices, places of entertainment, personal service shops, restaurants, video rental establishments, and similar establishments; and small-scale industrial uses.

(b) Non-Residential Development Policies

New commercial and industrial uses should not be permitted in areas that are predominantly residential or in the logical path of future residential expansion. Instead, they will be encouraged to locate within or adjacent to existing non-residential uses or in areas where potential adverse effects on adjacent residential uses will be minimized.

(i) Commercial Uses

Commercial uses generally supplying local commercial needs will be permitted in Hamlet areas. Wherever possible, commercial uses should be grouped with established existing commercial establishments to form a commercial core.

Automobile-oriented commercial uses such as service stations and gas bars should front onto major roads.

Provision shall be made for adequate off-street parking. Where commercial uses abut residential uses or other sensitive land uses, adequate buffer planting or screening shall be provided.

(ii) Industrial Uses

As a general policy, new industrial land uses should be directed to lands specifically designated for those uses outside of Hamlet areas. New small-scale, dry industrial uses shall be permitted in Hamlet areas on a very limited basis where it has been demonstrated to Council's satisfaction that the new use:

- will be grouped with existing or planned future industrial uses;
- will not impede future residential expansion; and

- will be compatible with adjacent uses.

Any permitted industrial use should typically be a “Class 1” industrial facility as defined in Section 1.5 of this Plan, and shall satisfy the requirements of Section 3.12, Land Use Compatibility.

As a general policy, home industries on residential properties shall be prohibited in Hamlet areas.

New industrial uses should front onto major roads such as County Roads, or have direct access to a major road by a dedicated access road serving other industrial land uses.

Provision shall be made for adequate off-street parking. Where industrial uses abut residential uses or other sensitive land uses, adequate buffer planting or screening shall be provided.

5.2.5 Uses Prohibited

The uses identified in Section 3.18 of this Plan (Major Land Use or Infrastructure) shall be prohibited in the Hamlet areas.

5.2.6 Water Supply, Wastewater and Stormwater

Development may take place on either individual private services or public piped services in accordance with the relevant policies of Section 3.2 of this Plan. Stormwater management shall be provided in accordance with the relevant policies of Section 3.3.

5.2.7 Physical or Environmental Constraints to Development

An application for development in areas with physical or environmental constraints will only be considered if it complies with the relevant policies of Section 3.7 of this Plan.

It is intended that where flood and erosion susceptible lands are designated as Hamlet, the lands shall be zoned in an appropriate environmental protection zone and shall be subject to setbacks for development in the implementing zoning by-law.

5.2.8 Site Development Requirements

To ensure the proper development on lots in Hamlet areas, development shall comply with the relevant policies of Section 3.8 of this Plan.

5.2.9 Zoning

Hamlet uses may be zoned in separate classifications in the Comprehensive Zoning By-law.

5.2.10 Special Policies for Keene

(a) Preservation and Restoration

The preservation and restoration of buildings of historic or architectural merit shall be a priority. A program should be undertaken to encourage the owners of these buildings to restore and maintain their original appearance.

(b) New Development

Council will select two or more theme buildings in Keene. To enhance the unique character of Keene, preference for any new development will be given to projects which replicate the period of the theme buildings and which are architecturally compatible with them. Buildings which combine stores, craft workshops or other commercial activities with housing will be encouraged.

5.2.11 Special Policies for Lang

(a) Definition of Policy Area

The following special land use policies apply to all of the lands in the Hamlet of Lang west of the Indian River, and to the lands adjacent to the east side of the Indian River. These areas of the Hamlet include lands that may be susceptible to flooding, but historically, have been areas of development. There is no detailed floodplain mapping that would accurately define the extent of flood prone lands, and the Municipality does not anticipate the completion of a floodplain study due to the relatively low rate of development in this Hamlet.

(b) Development Policies

Development within the Hamlet designation may be permitted without an amendment to this Plan, subject to the following policies and only after written approval has been obtained from the Conservation Authority.

Development will generally be directed to areas outside of hazardous lands that are impacted by flooding and/or erosion. "Hazardous lands" means lands that could be unsafe for development due to naturally occurring processes, including lands to the furthest landward limit of the flooding and/or erosion hazard limits associated with the Indian River.

Prior to the approval of an application for development under the *Planning Act*, for example, a land severance, a plan of subdivision, a zoning by-law amendment or a minor variance, the applicant shall undertake a site-specific engineering study to determine the suitability of the site

for development. The study shall be completed at the applicant's expense, and shall be subject to the approval of the Conservation Authority.

The engineering study should address the following matters, and any additional matters identified by the Conservation Authority and the Municipality:

- (i) Confirmation that the hazards can be safely addressed, and the development and site alteration will be carried out in accordance with established standards and procedures;
- (ii) New hazards will not be created and existing hazards will not be aggravated;
- (iii) No adverse environmental impacts will result; and
- (iv) Vehicles and people will have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.

It is recognized that there may be certain areas within the Hamlet designation in Lang where applications for development may not be approved due to the nature and extent of flood and/or erosion hazards.

(c) Conservation Authority Regulations

Where there is no requirement for an approval under the *Planning Act*, an assessment of flood susceptibility, erosion susceptibility and/or slope stability may also be required by the local Conservation Authority prior to the issuance of a permit under Section 28 of the *Conservation Authorities Act*, and the Conservation Authority's *Fill, Construction and Alteration to Waterways Regulation*.

(d) Zoning

Lands may be placed in an environmental protection zone category or zoned for their existing or proposed use followed by a Holding symbol.

5.2.12 Special Policy Area – Lot 1, Concession 2, South Monaghan Ward (Buckham Transport Ltd.)

The following Special Policies apply to the lands identified on Schedule "A" as being subject to Section 5.2.12.

(a) Permitted Uses

A "waste transfer/processing facility" operated with an approval under the *Environmental Protection Act*. Accessory uses, including an office, material testing laboratory, off-street parking, and an open storage area, shall be a permitted use.

For the purposes of Section 5.2.12(a), a “waste transfer/processing facility” shall mean a facility where off-specification products, recyclable materials and wastes are received, sorted, bulked, stored, processed to facilitate shipping (but not disposed of on-site), transferred and/or offered for transport for off-site disposal, re-use, recycling or use as waste-derived fuel. Such facility shall be approved under the *Environmental Protection Act*.

It is the intent of the inclusion of this Special Policy Area that any new or expanded waste transfer/processing facility as defined above shall be dealt with as a Special Policy Area in this Plan. A waste transfer/processing facility shall not be a permitted use on any other lands designated as Hamlet, or in any other land use designation of this Plan.

Industrial uses which do not use large quantities of water nor generate significant quantities of liquid waste. Such uses may include wholesale outlets; building products and materials storage, manufacture and sale; farm feed processing, storage and sales; a bus or transport terminal; service industrial establishments related to the waste transfer/processing facility or transport terminal. A retail commercial sales and display facility or area may also be permitted provided that it is an integral part of the service industrial establishment.

(b) Other Permitted Uses

Upon termination of approvals related to a waste transfer/processing facility under the *Environmental Protection Act*, the following uses may be permitted:

Industrial uses which do not use large quantities of water nor generate significant quantities of liquid waste. Such uses may include warehousing or storage uses; manufacturing, fabricating and assembly establishments; service establishments related to industrial manufacturing, contracting and transportation uses. A retail commercial sales and display facility or area may also be permitted provided that it is an integral part of the service industrial establishment.

For absolute clarity, uses permitted in subsection 5.2.12(b) shall only be permitted when approvals under the *Environmental Protection Act* related to the waste transfer/processing facility, as defined in subsection 5.2.12(a), have been terminated.

(c) Access Points

Access points shall be limited in number, and designed in such a manner so as to minimize the danger or traffic congestion due to vehicular turning while accessing and exiting the subject site.

(d) Buffering

Adequate buffering, including noise attenuation and visual screening measures, shall be provided for the purpose of reducing or eliminating the adverse effects of a permitted use on existing or proposed adjacent land uses.

(e) Zoning

The lands that are subject to Section 5.2.12 as shown on Schedule “A” shall be zoned in a separate zone category in the implementing Zoning By-law.

(f) Site Plan Control

The subject lands shall be designated as a Site Plan Control Area and shall be subject to the policies of Section 8.8 of this Plan and to Site Plan Control By-laws passed by the Municipality.

(g) Holding Provisions

Council may apply a Holding provision in accordance with Section 8.4 of this Plan. The holding provision shall not be removed from the lands and no development shall be permitted until such time as any necessary agreements have been registered on title.

5.3 EXISTING RESIDENTIAL

The Existing Residential land use designation is intended to recognize existing small clusters of predominantly single-detached dwellings outside of the Hamlet and Shoreline designations.

It is an objective of this Plan that new residential development in the Township should be directed primarily to the Hamlet areas of the Township. Accordingly, new residential development within lands designated as Existing Residential shall be limited and shall be in accordance with the following policies.

No new Existing Residential areas shall be added to Schedule “A” by amendment to this Plan.

5.3.1 Permitted Uses

Permitted uses shall include single-detached dwellings, duplex dwellings and semi-detached dwellings and related residential uses consisting of a small apartment within the dwelling house. Home occupations and home professions, bed and breakfast establishments within a single-detached dwelling, open space and recreational uses, and compatible accessory uses shall also be permitted.

5.3.2 New Residential Development

New residential development within Existing Residential areas shall comply with the following policies:

- (a) Development shall be limited to the lands designated Existing Residential. New development shall not extend beyond the boundaries of the Existing Residential designation as shown on Schedule “A”, and the boundaries of areas designated Existing Residential shall not be expanded by amendment to this Plan.
- (b) The majority of lands within this designation have been developed, and it is not the intent of this Plan to permit the continued expansion of these areas by consent or by plan of subdivision. Lot creation by consent to sever shall be permitted only as infilling, as defined in Section 1.5 of this Plan.
- (c) Severances that create new lots shall only be approved where both the severed and retained parcels front onto an assumed public road that is currently maintained on a year-round basis by the municipality.
- (d) Small-scale residential plans of subdivision or condominium may be considered having regard to all applicable policies of this Plan.

- (e) New residential lots shall comply with the requirements of the implementing Zoning By-law.

5.3.3 Uses Prohibited

The uses identified in Section 3.18 of this Plan (Major Land Use or Infrastructure) shall be prohibited in the Existing Residential areas.

5.3.4 Water Supply, Wastewater and Stormwater

Development may take place on either individual private services or public piped services in accordance with the relevant policies of Section 3.2 of this Plan. Stormwater management shall be provided in accordance with the relevant policies of Section 3.3.

5.3.5 Physical or Environmental Constraints to Development

An application for development in areas with physical or environmental constraints will only be considered if it complies with the relevant policies of Section 3.7 of this Plan.

It is intended that where flood and erosion susceptible lands are designated as Existing Residential, the lands shall be zoned in an appropriate environmental protection zone and shall be subject to setbacks for development in the implementing zoning by-law.

5.3.6 Site Development Requirements

To ensure the proper development on lots in Existing Residential areas, development shall comply with the relevant policies of Section 3.8 of this Plan.

5.3.7 Assumption of Private Roads

The assumption of private roads in Existing Residential areas by the Municipality shall only be considered having regard to the applicable policies of Section 7.0 of this Plan.

5.3.8 Zoning

Lands designated Existing Residential may be zoned in a separate classification or classifications in the implementing Zoning By-law.

5.4 SHORELINE

The Shoreline designation applies to certain lands along or in close proximity to the shoreline of Rice Lake and the Otonabee River, used for shoreline-oriented residential and tourist commercial purposes.

It is the intent of this Plan to recognize the development of the Shoreline areas for permanent and non-permanent residential purposes, and for commercial operations such as resort complexes and tourist establishments, while maintaining and/or enhancing the environmental integrity of the waterfront.

It is an objective of this Plan that new residential development in the Township should be directed primarily to the Hamlet areas of the Township. Accordingly, new permanent (year-round) residential development within lands designated as Shoreline should be limited in scale and shall be approved in accordance with the following policies.

For the purposes of this Section, a *non-permanent dwelling* means a single detached dwelling that is used mainly for recreational purposes, and not as a place of permanent (year-round) occupancy or as a principal dwelling.

5.4.1 Residential Uses and Development

(a) Permitted Residential Uses

Permitted residential uses shall include permanent and non-permanent single-detached dwellings, the conversion of non-permanent dwellings to permanent dwellings, subject to the policies of this Plan, and open space and parkland uses. Home occupations and home professions, and bed and breakfast establishments shall be permitted, subject to the policies of this Plan and the regulations of the implementing Zoning By-law.

(b) Residential Development Policies

The following policies shall apply to new residential development in the Shoreline areas:

- (i) New residential development shall generally take place by registered plan of subdivision or condominium, in accordance with the policies of Sections 4.3 and 3.26 of this Plan. All new residential subdivision or condominium proposals shall be reviewed in the context of permanent, year-round occupancy.
- (ii) Limited lot creation by consent to sever may be permitted in accordance with the relevant policies of Section 4.2 of this Plan. Land division by consent to sever should generally occur as infilling. However, new lots may be permitted by consent in non-infilling situations where:

- the new lot is a minor direct extension of an existing built-up area;
 - the lot will not create a demand for additional public services or the extension of a Municipal street;
 - the new lot will not extend beyond the boundaries of the Shoreline designation as shown on Schedule “A”; and
 - the consent conforms to all other applicable policies of this Plan.
- (iii) Proposals for new residential development by plan of subdivision or plan of condominium within the Shoreline designation shall, wherever feasible, be designed in such a manner as to avoid a linear or strip development pattern adjacent the shoreline. Development proposals that allow for the clustering of residential uses back from the shoreline areas, and that retain the natural waterfront as open space lands, shall be encouraged. A system of public and private parks or open space areas shall be provided where Council deems it desirable.
- (iv) Where a designated area is considered unsuitable for a backshore clustering development concept, Council may consider a single row of shoreline development. If such a development pattern is used no additional intensification of the shoreline should be permitted.
- (v) Backlot residential development by consent to sever, as defined in Section 1.5, shall not be permitted except where the creation of a lot conforms to the policies of Section 5.4.1(b)(ii).
- (vi) Council will encourage the use of common docking facilities at carefully selected sites on the shoreline as opposed to individual private docks for each dwelling. New shoreline access and docking sites shall not be located in environmentally sensitive areas or wetlands.
- (vii) Shoreline residential uses shall be set back sufficiently from the shoreline to ensure the following:
- protection from flooding;
 - minimal disturbance of the natural character of the shoreline environment;
 - minimal visual impact on the shoreline and the waterbody; and
 - adequate setback of sewage disposal systems.
- (viii) It is intended that specific setback provisions for residential dwellings shall be contained in the implementing Zoning By-law. The Conservation Authority shall be consulted in this regard.
- (ix) The minimum area for a building lot where private water supply and sewage disposal services are provided should not be less than 0.4 hectares.

- (x) The density of any proposed residential subdivision or condominium development shall be evaluated on the basis of background reports submitted by the proponent in accordance with the policies of this Plan, and in accordance with the appropriate review and approval authorities.
- (xi) Except as permitted in Section 5.4.1(c) below and for new condominium development in accordance with Section 3.26, all new residential development, including lots created by consent, shall front onto an assumed public road maintained on a year-round basis.

(c) Limited Service Residential Development and Zoning

Residential lots in the Shoreline designation may be zoned to permit both permanent and non-permanent residential uses.

A separate zone category may be used for existing residential lots that front onto a private road that is not maintained by the Municipality or any other public road authority. A “limited service residential zone” may be applied to permit non-permanent dwellings, permanent dwellings, and compatible accessory uses. The basis of the limited service residential zone is the existing means of vehicular access, which will affect other municipal services such as road maintenance, snow removal, emergency vehicle access, garbage removal, and school bus access.

Owners of properties within a limited service residential zone category should be aware that the Municipality will not assume any liability for the lack of an appropriate form of public road access, nor assume such private roads or expend monies in relation to any form of improvements to or maintenance of the same.

It is not the intention of this Plan to permit the development of new areas of limited service residential development. However, limited development within existing areas that are located in a “limited service residential zone” may be considered on a site-specific basis. Development may take place on existing vacant lots of record only, provided that all applicable policies and regulations of this Plan and the Comprehensive Zoning By-law are satisfied. In accordance with the policies of Section 4.2.1 of this Plan, severances that create new building lots shall not be permitted unless both the newly created parcel and the retained parcel front on an assumed public road that is maintained on a year-round basis.

Nothing in this Plan shall prevent the material alteration/renovation, reconstruction or repair of an existing dwelling in a limited service residential zone, provided that all applicable regulations of the Comprehensive Zoning By-law are complied with and such work would create no further non-compliance.

The development or redevelopment of an existing lot for a non-permanent dwelling or a permanent dwelling, or the conversion of a non-permanent dwelling shall comply with all applicable provisions of the Comprehensive Zoning By-law.

5.4.2 Commercial Uses and Development

(a) Permitted Commercial Uses

Permitted commercial uses shall include resort complexes, tourist establishments, trailer camps, marinas, neighbourhood stores, recreational establishments, and similar uses, together with compatible accessory residential uses and other accessory uses.

(b) Commercial Development Policies

The following policies shall apply to new commercial development in the Shoreline areas:

(i) Policies for Resort Complexes

- A resort complex will consist of a hotel/motel and/or housing and typically include facilities for three or more of: golf, tennis, swimming, boating, riding, snowmobiling, skiing, etc. Such recreational facilities shall form an integral part of the resort development.
- A resort complex is considered to be a Major Land Use or Infrastructure as defined in this Plan. Applications for the development or major expansion of resort complexes will be processed in accordance with the policies of Section 3.18 of this Plan.
- Resort complexes will be placed in separate zone categories in the implementing Zoning By-law.

(ii) Policies for Tourist Establishments

- The tourist establishments permitted in the Shoreline areas shall be limited to lodges and rental cabins, with accessory residential uses. A tourist establishment shall not include trailer camp.
- Tourist establishments may be placed in a tourist commercial zoning category in the implementing Zoning By-law.

(iii) Policies for Trailer Camps

- Trailer camps are sites for the temporary or seasonal accommodation of tourist trailers or tourist vehicles.
- The use of mobile homes, tourist trailers or tourist vehicles for permanent year-round human habitation or accommodation shall be strictly prohibited.

- The trailer camp uses permitted in Shoreline areas shall be limited to existing trailer camps and accessory residential uses. New trailer camps shall only be permitted by amendment to this Plan.
- Trailer camps may be placed in a special tourist commercial zone in the implementing Zoning By-law.

(iv) Policies for Other Commercial Uses in the Shoreline Designation

- Other commercial uses permitted in the Shoreline areas may include marinas, marine facilities, neighbourhood retail stores, recreational establishments and similar uses to meet the day-to-day needs of the surrounding area and the travelling public.
- Other commercial uses may be placed in a tourist commercial zone category in the implementing Zoning By-law.

5.4.3 Water Supply, Wastewater and Stormwater

The supply of water, the disposal of wastewater and any treatment of wastewater shall be in accordance with the relevant policies of Section 3.2 of this Plan. Stormwater management shall be provided in accordance with the relevant policies of Section 3.3.

5.4.4 Physical or Environmental Constraints to Development

An application for development in areas with physical or environmental constraints will only be considered if it complies with the relevant policies of Section 3.7 of this Plan.

5.4.5 Site Development Requirements

To ensure the proper development on lots in Shoreline areas, development shall comply with the relevant policies of Section 3.8 of this Plan.

5.4.6 Major Land Use or Infrastructure

Major Land Use or Infrastructure shall only be permitted in Shoreline areas in accordance with the policies of Section 3.18 of this Plan.

5.4.7 Flood and Erosion Susceptible Lands

It is intended that where flood and erosion susceptible lands are designated as Shoreline, the lands shall be zoned in an appropriate environmental protection zone in the implementing Zoning By-law.

5.4.8 Islands

This Plan recognizes that single detached non-permanent dwellings are situated on islands in Rice Lake. These uses shall be zoned in a separate zone category in the implementing Zoning By-law.

For new lots created on islands, the provision for automobile parking and boat access and storage facilities on the mainland shall be ensured.

New permanent residential development (intended for year-round occupancy) or the conversion of non-permanent dwellings to permanent dwellings shall not be permitted on islands.

5.4.9 Zoning

Lands within the Shoreline land use designation shall be zoned in a separate classification in the implementing Zoning By-law.

5.4.10 Exception -- Shady Acres Trailer Park, Part of Lots 7 and 8, Concession 7, Otonabee Ward

Notwithstanding the provisions of Section 5.4.2(b)(iii), and any other provision of this Plan to the contrary, the following special policies shall apply to the Shady Acres Trailer Park located in part of Lots 7 and 8, Concession 7, Otonabee Ward:

- (a) It is the policy of this Plan that within the Shady Acres Trailer Park, a limited number of existing mobile home sites may be used and occupied as permanent, year-round dwellings.
- (b) For the purpose of these policies for Shady Acres Trailer Park a “mobile home” means a dwelling that is designed to be made mobile, has been constructed or manufactured to provide a permanent residence for one or more persons, and may include a mobile home or a park model trailer as defined by the Canadian Standards Association, but does not include a travel/tourist trailer, tent trailer or tourist vehicle.

- (c) The use and occupation of mobile home sites in accordance with these policies shall not be deemed to be Major Land Use or Infrastructure as defined in Section 3.18 of the Official Plan.
- (d) It is intended that the year-round mobile home sites within the Shady Acres Trailer Park shall be operated collectively as a seniors lifestyle community. As such, the mobile home sites shall be marketed exclusively to retirees and the “Snowbird” population. Children are not expected to reside in the mobile homes on a permanent basis.
- (e) The Shady Acres Trailer Park, including permitted seasonal and permanent trailer and mobile home sites, shall be owned, operated and managed as a single unit by the owner/operator. Mobile homes may be individually owned, and mobile home sites for permanent occupancy will be subject to land lease tenure.
- (f) Mobile home sites shall front onto private internal streets, which shall be owned and maintained on a year-round basis by the owner/operator of the Trailer Park. The Municipality shall not assume or be responsible for the maintenance of any of the private internal streets. Internal private streets shall be maintained to a standard acceptable to the Municipality, particularly with respect to emergency vehicle access.
- (g) The owner/operator of the Trailer Park shall be responsible for the provision of services such as, but not limited to, snow removal from internal streets and walkways, garbage collection and stormwater management facilities, and the provision and maintenance of facilities such as indoor or outdoor recreation facilities, open space areas and common-use areas and buildings.
- (h) Mobile home sites approved for permanent occupancy shall be serviced by communal water and sewage disposal systems. All such facilities and related infrastructure shall be constructed and maintained in accordance with standards acceptable to the applicable government agencies and/or ministries. The owner shall be required to demonstrate to the satisfaction of any applicable government agency or ministry and the Municipality that the communal services are appropriate for the nature and extent of the development.
- (i) It is the policy of this Plan that the communal water and sewage disposal systems shall be owned, operated and maintained by the owner. The owner and the Municipality shall enter into a Responsibility Agreement providing, among other things, for matters such as the identification of acceptable standards for the operation and maintenance of the systems; the posting of appropriate financial securities by the owners; inspection and reporting procedures pertaining to the operation and maintenance of the systems; the right of entry and inspection; the actions to be undertaken by the Municipality in the event of default on the part of the owner (including the definition of default); and other matters deemed appropriate by the Municipality and the Ministry of the Environment.
- (j) The implementing zoning by-law shall identify the number and location of mobile home sites that may be occupied on a permanent basis. Under no circumstances shall more than 83 mobile home sites be zoned to permit occupancy as permanent year-round dwellings.

- (k) No mobile home, tourist trailer or tourist vehicle that is not identified in the implementing zoning by-law for permanent occupancy shall be used for permanent occupancy or be converted from seasonal occupancy to permanent year-round occupancy.
- (l) The area of the permitted mobile home sites shall be placed in a separate zone category pursuant to Section 34 of the *Planning Act*. Special regulatory provisions for the new zone category may include matters such as, but not necessarily limited to the following:
- Permitted uses.
 - Special definitions.
 - The maximum number of permitted mobile home sites that may be used for permanent occupancy.
 - Height, size and floor area of mobile homes.
 - Minimum frontage and area of individual mobile home sites.
 - Minimum front, side, flank and rear yards for individual mobile home sites.
 - Minimum building separations.
 - Maximum coverage for individual mobile home sites.
 - Minimum parking requirements.
 - Provisions for accessory buildings, structures and uses; and open storage areas.
 - Provisions for buildings and structures used for indoor/outdoor recreation facilities and common-use buildings; and open space areas.
 - Provisions for restricting development below the flood elevation of Rice Lake.
- (m) Holding provisions in accordance with Section 36 of the *Planning Act* and Section 8.4 of the Official Plan shall be applied in the implementing zoning by-law. The implementing zoning by-law shall identify the conditions to be satisfied prior to the removal of the Holding symbol, and shall include as a minimum the following:
- The execution and registration on title of a site plan agreement;
 - The provision of approvals from the appropriate agencies for the communal sewage and water systems necessary to support the proposed permanent occupancy of mobile homes; and
 - A Responsibility Agreement as required by Section 5.4.10(i) being executed and being in full force and effect.
- (n) Site plan control provisions in accordance with Section 41 of the *Planning Act* and Section 8.8 of the Official Plan shall apply to the Shady Acres Trailer Park.

5.4.11 Exception – Kawartha Trails Resort, Part of Lots 10 and 11, Concession 17, Otonabee Ward

Notwithstanding the provisions of Section 5.4.2(b)(iii), and any other provision of this Plan to the contrary, the following special policies shall apply to the Kawartha Trails Resort located in part of Lots 10 and 11, Concession 17, Otonabee Ward:

- (a) It is the policy of this Plan that within the Kawartha Trails Resort, a limited number of existing mobile home sites may be used and occupied as permanent, year-round dwellings.
- (b) For the purpose of these policies for the Kawartha Trails Resort a “mobile home” means a dwelling that is designed to be made mobile, has been constructed or manufactured to provide a permanent residence for one or more persons, and may include a mobile home or a park model trailer as defined by the Canadian Standards Association, but does not include a travel/tourist trailer, tent trailer or tourist vehicle.
- (c) The use and occupation of mobile home sites in accordance with these policies shall not be deemed to be Major Land Use or Infrastructure as defined in Section 3.18 of the Official Plan.
- (d) It is intended that the year-round mobile home sites within the Kawartha Trails Resort shall be operated collectively as a seniors lifestyle community. As such, the mobile home sites shall be marketed exclusively to retirees and the “Snowbird” population. Children are not expected to reside in the mobile homes on a permanent basis.
- (e) The Kawartha Trails Resort, including permitted seasonal and permanent trailer and mobile home sites, shall be owned, operated and managed as a single unit by the owner/operator. Mobile homes may be individually owned, and mobile home sites for permanent occupancy will be subject to land lease tenure.
- (f) Mobile home sites shall front onto private internal streets, which shall be owned and maintained on a year-round basis by the owner/operator of the Kawartha Trails Resort. The Municipality shall not assume or be responsible for the maintenance of any of the private internal streets. Internal private streets shall be maintained to a standard acceptable to the Municipality, particularly with respect to emergency vehicle access.
- (g) The owner/operator of the Kawartha Trails Resort shall be responsible for the provision of services such as, but not limited to, snow removal from internal streets and walkways, garbage collection, stormwater management facilities, and the provision and maintenance of facilities such as indoor or outdoor recreation facilities, open space areas and common-use areas and buildings.
- (h) Mobile home sites approved for permanent occupancy shall be serviced by communal water and sewage disposal systems. All such facilities and related infrastructure shall be

constructed and maintained in accordance with standards acceptable to the applicable government agencies and/or ministries. The owner shall be required to demonstrate to the satisfaction of any applicable government agency or ministry and the Municipality that the communal services are appropriate for the nature and extent of the development.

- (i) It is the policy of this Plan that the communal water and sewage disposal systems shall be owned, operated and maintained by the owner of the Kawartha Trails Resort. The owner and the Municipality shall enter into a Responsibility Agreement providing, among other things, for matters such as the identification of acceptable standards for the operation and maintenance of the systems; the posting of appropriate financial securities by the owners; inspection and reporting procedures pertaining to the operation and maintenance of the systems; the right of entry and inspection; the actions to be undertaken by the Municipality in the event of default on the part of the owner (including the definition of default); and other matters deemed appropriate by the Municipality and the Ministry of the Environment.
- (j) The implementing zoning by-law shall identify the number and location of mobile home sites that may be occupied on a permanent basis. Under no circumstances shall more than 32 mobile home sites in Kawartha Trails Resort be zoned to permit occupancy as permanent year-round dwellings.
- (k) No mobile home, tourist trailer or tourist vehicle that is not identified in the implementing zoning by-law for permanent occupancy shall be used for permanent occupancy or be converted from seasonal occupancy to permanent year-round occupancy.
- (l) The area of the permitted mobile home sites shall be placed in a separate zone category pursuant to Section 34 of the *Planning Act*. Special regulatory provisions for the new zone category may include matters such as, but not necessarily limited to the following:
 - Permitted uses.
 - Special definitions.
 - The maximum number of permitted mobile home sites that may be used for permanent occupancy.
 - Height, size and floor area of mobile homes.
 - Minimum frontage and area of individual mobile home sites.
 - Minimum front, side, flank and rear yards for individual mobile home sites.
 - Minimum building separations.
 - Maximum coverage for individual mobile home sites.
 - Minimum parking requirements.
 - Provisions for accessory buildings, structures and uses; and open storage areas.
 - Provisions for buildings and structures used for indoor/outdoor recreation facilities and common-use buildings; and open space areas.
 - Provisions for restricting development below the flood elevation of the Otonabee River.

- (m) Holding provisions in accordance with Section 36 of the *Planning Act* and Section 8.4 of the Official Plan shall be applied in the implementing zoning by-law. The implementing zoning by-law shall identify the conditions to be satisfied prior to the removal of the Holding symbol, and shall include as a minimum the following:
- The execution and registration on title of a site plan agreement;
 - The provision of approvals from the appropriate agencies for the communal sewage system necessary to support the proposed permanent occupancy of a maximum of 32 mobile homes;
 - Acceptance by the Municipality of the design of the communal water system in accordance with all applicable regulations; and
 - A Responsibility Agreement as required by Section 5.4.11(i) being executed and being in full force and effect.
- (n) Site plan control provisions in accordance with Section 41 of the *Planning Act* and Section 8.8 of the Official Plan shall apply to the Kawartha Trails Resort.

5.5 COMMERCIAL

The Commercial land use designation primarily applies to those lands and uses that rely to a considerable degree on vehicular traffic. The following policies shall apply to the development and control of Commercial uses.

5.5.1 Permitted Uses

Permitted uses shall be mainly highway commercial-type uses which primarily serve vehicular traffic and the travelling public, and which rely to a large degree upon such traffic for business. Such uses shall include retail stores, services stations and gas bars, retail convenience stores, restaurants and coffee shops, hotels and motels, service uses, auto sales establishments, builders supply establishments, furniture and appliance stores, farm equipment sales and service, recreational vehicle sales and service, and similar uses. Accessory residential, office and retail uses, and compatible public and institutional uses shall also be permitted.

Shopping centres, commercial malls, or cluster development of retail, wholesale or factory-outlet stores shall only be permitted in accordance with Section 3.18, Major Land Use or Infrastructure.

5.5.2 Accessory Residential Uses

Accessory residential uses shall generally be limited to no more than one dwelling unit for each commercial establishment. Such accessory dwelling units will only be permitted where appropriate land is available for the installation of individual private water and sewage disposal systems. Accessory dwelling units shall not be permitted on sites with automobile service stations or gas bars.

5.5.3 Location

Commercial uses should generally be located adjacent to County roads, Provincial Highways and major Municipal roads, and shall be located in accordance with Schedule “A” of this Plan.

5.5.4 Development Patterns on Highway No. 7

Notwithstanding that a significant part of the Commercial area designated along Highway No. 7 is already developed in various commercial uses, it is not intended that the entire Commercial strip east of the City of Peterborough will be developed for commercial uses. Rather, this commercial designation indicates the preferred location of commercial uses designed, in general, to serve the travelling public, especially those travelling through the Municipality.

5.5.5 Site Development Considerations

New development, the expansion of existing development, or redevelopment within the Commercial designation shall require the submission of a site development plan by the developer in accordance with Section 8.8 of this Plan. Proposals for development within this designation shall be considered carefully, particularly with respect to their potential effects on the functioning of Highway No. 7 and other major roads. Such development shall have regard for proper site planning considerations and performance, including the following:

- (a) the location of buildings and well-defined driveways and parking and loading areas to promote safe and efficient movement of vehicles to and from the site;
- (b) access points shall be limited in number and designed in such a manner so as to minimize traffic congestion, and ensure safe ingress and egress at the site, and shall be approved by the appropriate authority having jurisdiction;
- (c) commercial developments should be grouped where possible so as to promote joint access arrangements and the development of service roads;
- (d) adequate spacing between individual and groups of commercial uses shall also be considered as necessary to increase the distance between access points if deemed necessary by the Ministry of Transportation or the County of Peterborough;
- (e) landscaping, including the location and dimensions of signs, to ensure visibility and enhance the aesthetics of the site;
- (f) adequate off-street parking and loading facilities shall be provided for all permitted uses in accordance with the requirements of the implementing Zoning By-law;
- (g) if direct access onto a Provincial Highway is necessary, entrance permits shall be obtained from the Ministry of Transportation. The issuance of permits for entrances to a Provincial Highway is solely at the discretion of the Ministry of Transportation and each case shall be evaluated on its merits; and
- (h) adequate buffer planting shall be provided between Commercial uses and any adjacent sensitive land uses. Such buffer planting may include the provisions of grass strips, berms, fencing and the appropriate planting of trees and shrubs.

To ensure the proper development on lots in Commercial areas, development shall comply with the relevant policies of Section 3.8 of this Plan.

5.5.6 Major Land Use or Infrastructure

Major Land Use or Infrastructure shall only be permitted in Commercial areas in accordance with the policies of Section 3.18 of this Plan.

5.5.7 Water Supply, Wastewater and Stormwater

The supply of water, the disposal of wastewater, and stormwater management facilities shall be guided by the relevant policies of Sections 3.2 and 3.3 of this Plan.

5.5.8 Physical or Environmental Constraints to Development

An application for development in areas with physical or environmental constraints will only be considered if it complies with the relevant policies of Section 3.7 of this Plan.

5.5.9 New Commercial Areas

The designation of new Commercial areas on lands not already designated as such on Schedule “A” shall require an amendment to this Plan. In considering such an amendment, Council shall have regard to the matters outlined in Section 8.16 of this Plan, and to the following:

- (a) the physical suitability and soil capacity for the proposed use;
- (b) where the proposed lands are currently designated Agricultural, justification for the removal of the Agricultural lands in the context of the Provincial Policy Statement;
- (c) the impact of the proposed development on the natural environment, the rural character and the scenic qualities of the Township;
- (d) the provisions of Section 3.7 of this Plan;
- (e) the compatibility of the proposed use with surrounding land uses;
- (f) servicing requirements having regard to the provisions of Section 3.2 of this Plan; and
- (g) provision of interior street design and possible exterior street improvement and realignment.

5.5.10 Zoning

The Commercial uses may be included in separate zoning classifications in the implementing Comprehensive Zoning By-law.

5.5.11 Special Policy Area – Lot 26, Concession 11, Otonabee Ward

In addition to the uses outlined in Section 5.5.1, bulk storage tanks for propane shall be permitted on the subject lands.

5.6 EMPLOYMENT AREAS

The “Employment Areas” designation is intended to provide for the maintenance and reinforcement of the Township’s employment base through the retention and expansion of existing industry, and to encourage the diversification and expansion of the Township’s employment base where possible through the establishment of new businesses and related ancillary type of uses, including a range of compatible commercial uses.

5.6.1 Permitted Uses

The uses permitted in Employment Areas shall include the following:

(a) Industrial Uses

Permitted industrial uses shall include workshops, service and repair shops, processing, manufacturing, assembling, a water treatment plant, railway uses, storage and warehousing, transportation terminals, builders’ supply establishments, dry cleaning establishments, equipment sales and rentals, motor vehicle repair garage, motor vehicle body shop, agricultural uses and agriculturally-related industry, sawmills, contractors yards, recycling facilities handling non-hazardous or non-toxic materials, public works yards, a business office accessory to a permitted use, a retail and wholesale outlet accessory to a permitted use, and similar uses.

(b) Commercial and Other Business Uses:

Permitted commercial and other business uses shall include service stations, service centres, auto sale establishments, recreational vehicle sales and service establishments, farm equipment sales and service establishments, garden centres, commercial greenhouses, professional and business offices, data processing centres, call centres, commercial or technical schools, research facilities, athletic clubs, restaurants including drive-through restaurants, and retail sales outlets associated with permitted industrial uses.

No use shall be permitted in the Employment Areas designation, which, from its nature of operation or materials used therein, will have an “adverse effect” as defined by the *Environmental Protection Act*.

5.6.2 Development Policies

It is anticipated that the predominant form of land uses on Employment Lands will be industrial land uses. However, the Township wishes to encourage a broad range of compatible business uses where site conditions and surrounding land uses permit. The form of development within the Employment Areas designation may include separate, stand-alone establishments, and businesses located in two or more units in a single building similar to a mall complex.

On certain Employment Areas lands, the Township may restrict land uses to only industrial uses so as to promote land use compatibility.

The Township will promote the clustering together of new industrial uses and other compatible business uses.

New development, the expansion of existing development, or redevelopment within the Employment Areas designation shall require the submission of a site development plan by the developer in accordance with Section 8.8 of this Plan. Such development shall have regard for proper site planning considerations and performance, including the following:

- (a) Adequate off-street parking and loading facilities shall be required for all permitted uses in accordance with the requirements of the Comprehensive Zoning By-law;
- (b) Landscaping shall ensure visual compatibility with adjacent properties and streets, and fencing may be required for safety or security purposes;
- (c) Access points shall be limited in number and designed in such a manner so as to minimize traffic congestion, and ensure safe ingress and egress at the site, and shall be approved by the appropriate authority having jurisdiction;
- (d) Standards for open storage areas, including maximum area, location and screening, shall be established in the Comprehensive Zoning By-law and implemented on the site; and
- (e) Adequate buffering, to include noise attenuation and visual screening measures, shall be provided for the purpose of reducing or eliminating the impacts of a permitted use on any adjacent sensitive land use. Regard shall be had to the provisions of Section 3.12, Land Use Compatibility, of this Plan.

5.6.3 Water Supply, Wastewater and Stormwater

The supply of water, the disposal of wastewater, and stormwater management facilities shall be guided by the relevant policies of Sections 3.2 and 3.3 of this Plan.

5.6.4 Physical or Environmental Constraints to Development

An application for development in areas with physical or environmental constraints will only be considered if it complies with the relevant policies of Section 3.7 of this Plan.

5.6.5 Site Development Requirements

To ensure the proper development on lots in Employment Areas, development shall comply with the relevant policies of Section 3.8 of this Plan.

5.6.6 Major Land Use or Infrastructure

Major Land Use or Infrastructure shall only be permitted in the Employment Areas designation in accordance with the policies of Section 3.18 of this Plan.

5.6.7 New Employment Areas

The designation of new Employment Areas on lands not already designated on Schedule “A” shall require an amendment to this Plan. In considering such an amendment, Council shall have regard to the matters outlined in Section 8.16 of this Plan, and to the following:

- (a) the physical suitability and soil capacity for the proposed use;
- (b) where the proposed lands are currently designated Agricultural, justification for the removal of the Agricultural lands in the context of the Provincial Policy Statement;
- (c) the impact of the proposed development on the natural environment, the rural character and the scenic qualities of the Township;
- (d) the provisions of Section 3.7 of this Plan;
- (e) the compatibility of the proposed use with surrounding land uses;
- (f) servicing requirements having regard to the provisions of Section 3.2 of this Plan; and
- (g) provision of interior street design and possible exterior street improvement and realignment.

5.6.8 Zoning

Lands designated Employment Areas may be zoned in a separate classification or classifications in the implementing Zoning By-law. Commercial uses may be placed in a commercial zoning category or may be permitted uses in the appropriate industrial zone classification.

5.6.9 Special Policy Area -- Lot 26, Concession 10, Otonabee Ward

Notwithstanding the policies outlined in Section 5.6, for lands located in part of Lot 26, Concession 10, Otonabee Ward, and identified on Schedule “A”, the only permitted use on the subject lands shall be for the open storage of culverts.

5.7 AGGREGATE RESOURCE

The Aggregate Resource designation includes all lands currently licensed under the *Aggregate Resources Act* for extractive use as well as those lands identified as areas of high potential for aggregate extraction by the Ministry of Natural Resources. Areas of high potential are identified on Schedule “A” in the Aggregate Resource designation.

5.7.1 Permitted Uses

The uses permitted shall include sand and gravel pits and quarries licensed under the *Aggregate Resources Act*. Associated operations such as drilling, blasting, crushing, screening, washing and blending aggregate, aggregate recycling, aggregate storage, weigh scales, associated buildings, and concrete and asphalt batch plants may also be permitted. These associated operations will only be permitted where they are compatible with other uses permitted in the Aggregate Resource designation and will in no way hamper the rehabilitation of these areas for other land uses.

Wayside pits and quarries will be permitted subject to the policies of Section 3.22 of this Plan.

In addition, land designated Aggregate Resource may be used for agricultural, resource management, conservation or forestry purposes.

5.7.2 Policies for New or Expanding Aggregate Extraction Operations

An amendment to this Plan will be required when a new aggregate extraction operation such as a pit or quarry is proposed on lands that are not designated as Aggregate Resource on Schedule “A”.

The establishment of an operation for the extraction of mineral aggregates, excluding authorized wayside pits, is deemed to be a Major Land Use or Infrastructure, and shall be considered in accordance with the policies of Section 3.18 of this Plan.

In addition to the provisions of Section 3.18, the following matters shall be considered by Council before a decision is made to permit the establishment of a new or expanded aggregate extraction operation in the Aggregate Resource designation:

- (a) An extractive operation should be screened in a manner which allows it to be screened from public view, in order to protect the scenic and amenity of the area.
- (b) It shall be the policy of this Plan that the Township, when considering a new or major expansion of a pit or quarry proposal, will have regard to the existing adjacent land uses that might be affected by a pit or quarry operation. This regard or consideration may be reflected in appropriate setbacks and /or other mitigative techniques such as screening, berms, the location of machinery and timing of operations, which may be established as

conditions on the licence and/or included on a site plan under the *Aggregate Resources Act* at the time of licensing.

- (c) Any setbacks and/or mitigative techniques being established should depend on a site-by-site review and in light of other policies of Section 5.7.
- (d) As a general policy, an aggregate extraction operation for a pit should not be established within 300 metres of lands designated for a sensitive land use in this Plan. An aggregate extraction operation for a quarry should not be established within 500 metres of lands designated for a sensitive land use in this Plan.
- (e) Proposals for aggregate extraction operations within the distances specified in paragraph (d) above should be evaluated based on matters such as, but not limited to, land use compatibility, impacts on groundwater, noise, dust, vibrations, and traffic.
- (f) All operations must satisfy the requirements of the authority having jurisdiction and the provisions of Section 3.2 of this Plan as to water supply, waste disposal, pumping, and dewatering.
- (g) All operations must satisfy the requirements of the Ministry of the Environment and By-laws of the Municipality as to control of air pollution, which includes dust, noise and vibration.
- (h) All pit and quarry uses shall satisfy the requirements of the *Aggregate Resources Act* as to licensing and regulation.
- (i) Haulage routes and the traffic generated by the aggregate extraction operation.
- (j) An application for an amendment to this Plan to permit the establishment of an aggregate extraction operation shall be accompanied by a detailed site development plan. Site Plans and reports required by the *Aggregate Resources Act* shall generally be acceptable for the purposes of this section.
- (k) Any operations in areas with physical or environmental constraints to development shall comply with the policies of Section 3.7 of this Plan.

5.7.3 Development Agreements

It shall be a policy of this Plan that an applicant who wishes to undertake an extractive operation shall enter into a development agreement with the Municipality. This agreement shall be entered into prior to Council's enactment of the Implementing Zoning By-law or the removal of a Holding provision. Such an agreement may address, but shall not necessarily be limited to the following matters:

- (a) an indication of the haul routes to be used;

- (b) requirements for the improvement and maintenance of the haul routes;
- (c) issues of public health, public safety and environmental impact are addressed; and
- (d) such other matters as Council may deem necessary and in the public interest.

5.7.4 Changes to Areas Designated Aggregate Resource

The boundaries of the lands designated as Aggregate Resource on Schedule “A” shall serve as guides for the development of new extractive operations. If new aggregate resource information becomes available as a result of future resource testing programs, the Municipality may undertake an amendment to the Plan to designate new Aggregate Resource areas on Schedule “A” or to change the boundaries of areas that are currently designated as Aggregate Resource. Council will determine the timing of such an amendment.

5.7.5 Protection of Mineral Aggregate Resources and Operations

Mineral aggregate resource areas that are designated as Aggregate Resource on Schedule “A” shall be reserved for aggregate extraction uses. Development or new land uses on or adjacent to lands adjacent to areas designated as Aggregate Resource that would preclude or hinder the establishment of new aggregate operations or access to the resources will only be permitted if:

- (a) the extraction of the aggregate resource would not be feasible; or
- (b) the proposed land use or development serves a greater long term public interest than does aggregate extraction; or
- (c) the proposed land use or development proposal would not significantly hinder or preclude future extraction; and
- (d) issues or public health, public safety and environmental impact are addressed.

Established mineral aggregate operations will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

As a general policy, sensitive land uses should not be permitted to locate within 300 metres of existing licensed pit operations or within 500 metres of existing licensed quarry operations, or within 300 metres of other lands designated as Aggregate Resource on Schedule “A” of this Plan. Environmental studies should be required to assess the impact if development occurs within the above-noted influence areas.

5.7.6 Rehabilitation of Agricultural Lands

The extraction of mineral aggregates on prime agricultural land is permitted as an interim use provided that progressive rehabilitation of the site will be carried out whereby substantially the same areas and average soil quality for agriculture are restored.

Complete agricultural rehabilitation is not required if:

- (a) there is a substantial quantity of mineral aggregates below the water table warranting extraction; or
- (b) the depth of the planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and
- (c) other alternatives have been considered by the applicant and found unsuitable; and
- (d) agricultural rehabilitation in remaining areas will be maximized.

5.7.7 Major Land Use or Infrastructure

Major Land Use or Infrastructure shall only be permitted in the Aggregate Resource designation in accordance with the policies of Section 3.18 of this Plan.

5.7.8 Zoning

Existing licensed pits and quarries in the Aggregate Resource designation shall be recognized in the Comprehensive Zoning By-law in a separate zone classification. The establishment of a new or expanding licensed pit or quarry shall require an amendment to the Comprehensive Zoning By-law.

It shall be the policy of this Plan that concrete batching plants and asphalt plants shall be permitted only in those areas specifically zoned for such purposes.

Lands within the Aggregate Resource designation that are not licensed under the *Aggregate Resources Act* shall normally be placed in an agricultural or rural zone classification.

5.8 AGRICULTURAL

The Agricultural designation is applied to lands where the predominant land use is agriculture, and may include uses that are supportive of and compatible with agriculture such as forestry, open space, conservation areas, and activities directly related to agriculture, requiring a location in close proximity to farm operations.

The primary purpose of the Agricultural designation is the protection of prime agricultural areas for agricultural uses on a long-term basis, in order that a permanent, secure and available agricultural base is maintained in the Township.

5.8.1 Definition of Agricultural Lands

Agricultural lands are areas that are considered to have a significant capability for supporting agricultural operations, and include the following:

- (a) Lands that have a high capability for the production of specialty crops due to special soils or climate;
- (b) Continuous areas of land where soil Classes 1, 2, 3 predominate as defined in the Canada Land Inventory of Soil Capability for Agriculture; and
- (c) Areas where farms exhibit characteristics of ongoing viable agricultural operations.

The Municipality shall consult with the Ontario Ministry of Agriculture and Food with regard to the identification of Agricultural lands. It is recognized that the evaluation of the agricultural capability of an area may require detailed mapping, soil analysis and the consideration of surrounding existing land uses. Such additional information, which is of a standard acceptable to Council may also be used in the determination of Agricultural Resource Lands.

The Agricultural lands described above are delineated on Schedule “A” of this Plan.

5.8.2 Permitted Uses

- (a) Agricultural Uses

Permitted agricultural and agriculturally related uses shall include the use of land, buildings and structures for operations conducted on a farm. Without limiting the generality of the foregoing, this shall include feed crops, oil and seed crops, vegetable and row crops, dairy animals and dairy products, livestock for food production, fruits of all kinds, bee and apiary products, forestry, maple products, nurseries, floral and greenhouse products, poultry and poultry products, horses and ponies, tobacco, market gardening, riding and boarding stables, mink farms, kennels and retail stands for the sale of agricultural products produced on the farm.

(b) Agriculture-Related Uses

Agriculture-related uses include farm-related commercial and industrial uses that are small scale and directly related to the farm operation, and are required in close proximity to the farm operation. Examples include livestock assembly yards, grain drying, cold storage facilities, custom agricultural spraying, farm-related workshops, farm implement dealerships, agricultural produce warehouses, abattoirs, and feed mills.

Such uses should be consolidated into groups, rather than be permitted to spread out in a scattered manner along major roads, and shall be located in such a manner that the uses can adequately provide off-street parking and loading facilities, and will not adversely affect traffic movement.

(c) Farm Related Residential Uses

- (i) A maximum of two farm related dwelling units may be permitted on a farm, provided that at least one dwelling unit consists of a single detached dwelling. The second dwelling may be in the form of a second single detached dwelling or a second dwelling unit in an existing dwelling.
- (ii) Where the second dwelling on a farm is proposed to consist of a second single detached dwelling, an amendment to the implementing Zoning By-law shall be required. Council will only consider a zoning by-law amendment where the applicant can demonstrate that the requested second single detached dwelling is for full-time farm help.
- (iii) Where the second dwelling unit on a farm is proposed to be located within the first, or principal, single detached dwelling, an amendment to the implementing Zoning By-law shall not be required provided the dwelling unit is in conformity with the regulations of the Zoning By-law.
- (iv) A Bed and Breakfast Establishment is a permitted use within a single detached dwelling.

(d) Non-Farm Related Residential Uses on Existing Lots of Record

Non-farm related residential development in the form of one single detached dwelling on a lot may be permitted on any vacant lot in existence or granted consent prior to the approval of this Plan. The Comprehensive Zoning By-law shall outline the specific provisions and regulations that apply.

(e) Secondary Uses

Secondary uses are uses that are secondary to the principal agricultural use of a property, including home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property. Examples of secondary uses include farm

vacations, cottage wineries, value-added processing, seasonal roadside produce stands, and pick-your-own operations.

Secondary uses are intended to provide the farm family with a secondary or supplementary means of income. The uses permitted are to be small scale in nature and they must be clearly secondary to the principal use of the farm property for farming purposes. Before a secondary use will be permitted, it must satisfy all of the following criteria:

- (i) A secondary use shall be conducted only by persons who reside on the farm property and whom are involved in conducting the farm operation;
- (ii) The use must be clearly secondary and incidental to the principal use of farming on the subject property. There should be no loss of good and/or productive farmland;
- (iii) Farm produce retail outlets shall:
 - be seasonal in operation;
 - sell produce which is predominantly produced on the farm where the outlet is located;
 - not include agricultural products that have been processed or reprocessed at other locations and supplied or returned to the outlet for sale; and
 - not include transient roadside sales of non-farm products by the general public.
- (iv) It is not intended that the above policies concerning farm produce retail outlets would interfere with year-round home occupation-type uses such as bakery products, craft sales, greenhouse sales, etc.
- (v) The secondary use must be such that it does not generate vehicular traffic beyond that which is normally associated with a farming activity on a farm unit.
- (vi) Secondary uses shall not be placed in a separate zone category in the implementing Zoning By-law, but rather shall be considered as a permitted use in the Agriculture Zones established in the Zoning By-law. The Zoning By-law shall establish provisions for secondary uses that are consistent with the criteria contained in this section.

5.8.3 Minimum Distance Separation Formula

New or expanding livestock operations shall only be established in compliance with the Minimum Distance Separation Formula II (MDS II) criteria, as amended from time to time. Permitted non-farm uses such as residential, commercial and industrial shall only be established in compliance with the Minimum Distance Separation Formula I (MDS I) criteria, as amended from time to time.

5.8.4 Water Supply, Wastewater and Stormwater

Development in the Agricultural areas should take place on individual private service systems in accordance with the relevant policies of Section 3.2 of this Plan. Stormwater management shall be provided in accordance with the relevant policies of Section 3.3

5.8.5 Major Land Use or Infrastructure

Major Land Use or Infrastructure shall only be permitted in the Agricultural areas in accordance with the policies of Section 3.18 of this Plan.

5.8.6 Physical or Environmental Constraints to Development

An application for development in areas with physical or environmental constraints will only be considered if it complies with the relevant policies of Section 3.7 of this Plan.

5.8.7 Nutrient Management

The collection, storage and disposal of wastes from an intensive livestock farm shall require a Nutrient Management Plan as specified in the Township's Nutrient Management By-law and/or other applicable law.

5.8.8 Land Division

The policies with regard to the severance of land within the Agricultural land use designation are set out in Section 4.2.3 of this Plan.

5.8.9 Extractive Uses in Agricultural Areas

(a) Uses Permitted

The extractive operations permitted in Agricultural areas shall be limited to wayside pits and wayside quarries, provided they are issued a permit by the Ministry of Natural Resources pursuant to the *Aggregate Resources Act*.

The policies of Section 3.22 of this Plan shall apply.

(b) Zoning

Wayside pits and wayside quarries may be permitted in Agricultural or Rural zoning categories so as to preclude the necessity of rezoning for new operations.

5.8.10 Zoning

Agricultural uses may be zoned in a separate zone classification in the implementing Zoning By-law.

5.8.11 Special Policy Area -- Lot 1, Concession 2, South Monaghan Ward

Notwithstanding the policies of Section 5.8 to the contrary, lands located in part of Lot 1, Concession 2, South Monaghan Ward, and identified on Schedule "A", shall be used solely as a nitrate dilution area for the associated adjacent development.

5.9 RURAL

The Rural designation is applied to lands that are of marginal value for agriculture and have potential for limited non-agricultural development. The purpose in designating these areas is to direct low intensity rural uses into these areas, thereby protecting Agricultural lands from incompatible, non-agricultural development.

5.9.1 Definition of Rural Lands

Rural lands are defined as:

- (a) Lands where soil Classes 4, 5, 6 and 7 predominate as defined in the Canada Land Inventory of Soil Capability for Agriculture;
- (b) Lands with significant non-farm uses; or
- (c) Lands fragmented into small ownerships.

5.9.2 Permitted Uses

- (a) Agricultural Uses

Permitted agricultural and agriculturally related uses shall include the use of land, buildings and structures for operations conducted on a farm. Without limiting the generality of the foregoing, this shall include feed crops, oil and seed crops, vegetable and row crops, dairy animals and dairy products, livestock for food production, fruits of all kinds, bee and apiary products, forestry, maple products, nurseries, floral and greenhouse products, poultry and poultry products, horses and ponies, tobacco, market gardening, riding and boarding stables, mink farms, kennels and retail stands for the sale of agricultural products produced on the farm.

- (b) Agriculture-Related Uses

Agriculture-related uses include farm-related commercial and industrial uses that are small scale and directly related to the farm operation, and are required in close proximity to the farm operation. Examples include livestock assembly yards, grain drying, cold storage facilities, custom agricultural spraying, farm-related workshops, farm implement dealerships, agricultural produce warehouses, abattoirs and feed mills.

Such uses should be consolidated into groups, rather than be permitted to spread out in a scattered manner along major roads, and shall be located in such a manner that the uses can adequately provide off-street parking and loading facilities, and will not adversely affect traffic movement.

(c) Farm Related Residential Uses

- (i) A maximum of two farm related dwelling units may be permitted on a farm, provided that at least one dwelling unit consists of a single detached dwelling. The second dwelling may be in the form of a second single detached dwelling or a second dwelling unit in an existing dwelling.
- (ii) Where the second dwelling on a farm is proposed to consist of a second single detached dwelling, an amendment to the implementing Zoning By-law shall be required. Council will only consider a zoning by-law amendment where the applicant can demonstrate that the requested second single detached dwelling is for full-time farm help.
- (iii) Where the second dwelling unit on a farm is proposed to be located within the first, or principal, single detached dwelling, an amendment to the implementing Zoning By-law shall not be required provided the dwelling is in conformity with the regulations of the Zoning By-law.
- (iv) A Bed and Breakfast Establishment is a permitted use within a single detached dwelling.

(d) Non-Farm Related Residential Uses

Non-farm related residential uses in the form of one single detached dwelling on lots created by consent in accordance with Section 4.2.3 of this Plan are permitted.

Non-farm related residential development in the form of one single detached dwelling on a lot may be permitted on any vacant lot in existence or granted consent prior to the approval of the Official Plan. The Comprehensive Zoning By-law shall set out the specific provisions and regulations that apply.

Bed and breakfast establishments and a small apartment generally intended to accommodate one or two persons will also be permitted within a single detached dwelling, subject to all other policies of this Plan and the implementing Zoning By-law regulations.

(e) Secondary Uses

Secondary uses are uses that are secondary to the principal agricultural use of a property, including home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property. Examples of secondary uses include farm vacations, cottage wineries, value-added processing, seasonal roadside produce stands, and pick-your-own operations.

Secondary uses are intended to provide the farm family with a secondary or supplementary means of income. The uses permitted are to be small scale in nature and they must be clearly

secondary to the principal use of the farm property for farming purposes. Before a secondary use will be permitted, it must satisfy all of the following criteria:

- (i) A secondary use shall be conducted only by persons who reside on the farm property and whom are involved in conducting the farm operation;
 - (ii) The use must be clearly secondary and incidental to the principal use of farming on the subject property. There should be no loss of good and/or productive farmland;
 - (iii) Farm produce retail outlets shall:
 - be seasonal in operation;
 - sell produce which is predominantly produced on the farm where the outlet is located;
 - not include agricultural products that have been processed or reprocessed at other locations and supplied or returned to the outlet for sale; and
 - not include transient roadside sales of non-farm products by the general public.
 - (iv) It is not intended that the above policies concerning farm produce retail outlets would interfere with year-round home occupation-type uses such as bakery products, craft sales, greenhouse sales, etc.
 - (v) The secondary use must be such that it does not generate vehicular traffic beyond that which is normally associated with a farming activity on a farm unit.
 - (vi) Secondary uses shall not be placed in a separate zone category in the implementing Zoning By-law, but rather shall be considered as a permitted use in the Agriculture Zones established in the Zoning By-law. The Zoning By-law shall establish provisions for secondary uses that are consistent with the criteria contained in this section.
- (f) Small-Scale Commercial and Industrial Uses

Small-scale commercial and industrial uses serving or related to the rural economy may be permitted in Rural areas. These include uses such as commercial kennels, electrical shops, metal-working and welding shops, plumbing shops, woodworking shops, pottery kilns, school bus agencies, family-operated trucking businesses, and similar uses which may be deemed by Council as necessary and appropriate in the Rural areas.

Lots shall be of adequate size to permit the location of the commercial or industrial use in an unobtrusive manner. The employment of persons other than the owner or the owner's family should generally not exceed five persons.

5.9.3 Minimum Distance Separation Formula

New or expanding livestock operations shall only be established in compliance with the Minimum Distance Separation Formula II (MDS II) criteria, as amended from time to time. Permitted non-farm uses such as residential, commercial and industrial shall only be established in compliance with the Minimum Distance Separation Formula I (MDS I) criteria, as amended from time to time.

5.9.4 Water Supply, Wastewater and Stormwater

Development in the Rural areas should take place on individual private service systems in accordance with the relevant policies of Section 3.2 of this Plan. Stormwater management shall be provided in accordance with the relevant policies of Section 3.3

5.9.5 Major Land Use or Infrastructure

Major Land Use or Infrastructure shall only be permitted in the Rural areas in accordance with the policies of Section 3.18 of this Plan.

5.9.6 Physical or Environmental Constraints to Development

An application for development in areas with physical or environmental constraints will only be considered if it complies with the relevant policies of Section 3.7 of this Plan.

5.9.7 Nutrient Management

The collection, storage and disposal of wastes from an intensive livestock farm shall require a Nutrient Management Plan as specified in the Township's Nutrient Management By-law and/or other applicable law.

5.9.8 Land Division

The policies with regard to the severance of land within the Rural land use designation are set out in Section 4.2.3 of this Plan.

5.9.9 Extractive Uses in Rural Areas

(a) Uses Permitted

The extractive operations permitted in Rural areas shall be limited to wayside pits and wayside quarries, provided they are issued a permit by the Ministry of Natural Resources pursuant to the *Aggregate Resources Act*.

The policies of Section 3.22 of this Plan shall apply.

(b) Zoning

Wayside pits and wayside quarries may be permitted in Agricultural or Rural zoning categories so as to preclude the necessity of rezoning for new operations.

5.9.10 Zoning

Rural uses may be zoned in a separate zone classification in the implementing Zoning By-law.

5.9.11 Special Policy Area -- Lot 12, Concession 11, Otonabee Ward

Notwithstanding the policies set out in Section 5.9, on lands designated Rural in Part Lot 12, Concession 11, Otonabee Ward, as indicated on Schedule "A", a Farm Product Market and a Farm Product Processing and Distribution Centre shall be permitted uses, subject to the following policies:

- (a) A "Farm Product Market" means a building or portion thereof as specified, wherein the retail sale of the following products are offered to the general public:
- (i) Canadian grown produce including meat and poultry (a minimum of 70 percent of the retail floor area);
 - (ii) Imported produce;
 - (iii) Bakery items including processed fruit farm commodity, related specialty products prepared on the premises, deli products for consumption off the premises only, dairy products and Canadian made crafts (a maximum of 50 square metres retail floor area);
 - (iv) Canadian grown greenhouse and nursery products;
 - (v) Canadian made floral products; and
 - (vi) Products complimentary to the above (maximum of 30 percent of retail floor area).

- (b) A “Farm Product Processing and Distribution Centre” means a building or portion thereof wherein farm products are processed, packaged and prepared for wholesale distribution.
- (c) All other policies and provisions of the Rural designation shall apply and be complied with.

5.9.12 Special Policy Area -- Lot 27, Concession 3, Otonabee Ward

For those lands designated as Rural in part of Lot 27, Concession 3 of Otonabee Ward, identified on Schedule “A”, a retirement residence shall be recognized as a permitted use.

The property shall be subject to a holding provision stipulating that the number of units for the retirement residence shall be determined by a hydrogeological study, and the said holding provision shall be capable of removal after such study is approved by Council.

5.9.13 Special Policy Area -- Lot 27, Concession 8, Otonabee Ward (O.P.A. No. 1)

On lands designated as Rural and Environmental Protection in part of Lot 27, Concession 8, in the Otonabee Ward, as identified on Schedule “A” of this Plan, the permitted uses shall be those of subsections 5.9.2 and 5.11.1 and the following uses: a single detached dwelling and business office, a retail outlet for pet foods and related products, two warehouses for pet foods and related food products, a maintenance garage, a commercial garage, an equipment storage building, a hide processing building, a salt shed, and processing, storage and sale of firewood. All uses shall be limited to existing buildings and structures. A commercial garage shall be limited to a maximum of two repair bays. Any new development or site alteration shall require the approval of Otonabee Conservation and the Ontario Ministry of Transportation.

5.10 RECREATION/CONSERVATION

Land designated as Recreation/Conservation is intended primarily for recreation or conservation purposes. These lands do not have inherent environmental hazards but are presently being used in some form of recreational activity or have a recreational potential. The Recreation/Conservation designation includes properties under the ownership or jurisdiction of the Province of Ontario, the County of Peterborough, Otonabee Conservation, and the Township of Otonabee-South Monaghan.

5.10.1 Uses Permitted

The uses permitted shall be conservation and recreation, and uses such as private or public parks, playgrounds, golf courses and ski areas. Accessory uses may include related commercial uses such as restaurants and small-scale retail stores, as well as an accessory dwelling for management, operational or security personnel.

5.10.2 Parking Facilities

Where recreation or conservation projects are designed for public or private use, adequate motor vehicle parking areas shall be established in accordance with the Zoning By-law. Driveways and access points to parking areas and to recreational facilities shall be located in such a way as to minimize danger to other vehicular traffic and to pedestrians.

5.10.3 Land Under Private Ownership

Where lands designated Recreation/Conservation are under private ownership, this Plan does not intend that such lands will necessarily remain as Recreation/Conservation indefinitely. In addition, it shall not be construed as implying that the Recreation/Conservation areas are free and open to the general public or that the Municipality or other government agency will purchase the lands. An application for the redesignation of privately owned lands for other purposes will be given due consideration by the Municipality, subject to the applicable policies of this Plan, provided the Municipality does not wish to purchase such lands in order to maintain them for Recreation/Conservation purposes.

5.10.4 Development Proposals

All proposals for development within lands designated as Recreation/Conservation shall comply with the applicable policies of this Plan, in particular the policies of Sections 3.2, 3.3, 3.7 and 3.8.

5.10.5 Zoning

Recreation/Conservation areas may be zoned in a separate classification in the implementing Zoning By-law.

5.11 ENVIRONMENTAL PROTECTION

Lands designated as “Environmental Protection” include lands with natural constraints such as flood susceptibility, poor drainage, organic soils, erosion prone soils or steep slopes.

In addition, this land use designation includes environmentally sensitive areas and features such as cold and warm water streams, fish and wildlife habitat, Areas of Natural and Scientific Interest (ANSI), significant wetlands, and other locally significant natural features.

The Environmental Protection designation may also include areas that contain human-made constraints such as contaminated soils.

5.11.1 Permitted Uses

Lands designated as Environmental Protection are primarily intended for preservation and conservation of the natural land and/or environment, and should be managed in such a fashion as to complement adjacent land uses and protect such uses from physical hazards.

Uses such as outdoor recreation, conservation and resource management uses, public and private parks, agriculture, nursery and market gardening and forestry may be permitted. However, buildings and structures other than those required for conservation and resource management purposes shall generally be prohibited. The Otonabee Region Conservation Authority and the Ministry of Natural Resources shall be consulted regarding proposed buildings and structures.

5.11.2 Placing and Removal of Fill

The placing and removal of fill of any kind, whether originating on the site or elsewhere, and the establishment of new structures or the enlargement of existing structures shall be prohibited in floodplains or in areas of physical limitations of any kind except in accordance with regulations of the Conservation Authority. The prior written authorization of the Conservation Authority shall be required where the placing or removal of fill is proposed. Such authorization will not necessarily be granted.

Filling of Environmental Protection lands shall not be permitted for the purpose of creating new developable space along a shoreline or to artificially increase the surface area of a shoreline private property.

5.11.3 Detailed Delineation of Environmental Protection Lands

The boundaries of the “Environmental Protection” designation are approximate and it is the intent of this Plan that the precise locations will be delineated in the implementing Zoning By-law or at the time of the submission of development applications. Such detailed mapping shall be

undertaken in consultation with the Otonabee Region Conservation Authority and other agencies as applicable. In the absence of more detailed mapping, the boundaries of the Environmental Protection designation on Schedule “A” shall be used as a guide in the preparation of the implementing Zoning By-law.

Where it is determined that lands within the “Environmental Protection” designation are not environmental constraint or sensitive lands, the development of such land shall be reviewed on the basis of the adjoining land use designation and the general intent and purpose of this Plan.

An amendment to Schedule “A” of this Plan shall not be required to make minor modifications to the Environmental Protection designation provided that the overall intent of the Plan is maintained. The Municipality shall consult with the Otonabee Region Conservation Authority, the Ministry of Natural Resources or any other appropriate agency when considering this matter.

Schedule “A” of this Plan may be amended as appropriate if significant changes to the extent or boundaries of the Environmental Protection areas are indicated as a result of:

- (a) the completion of flood control or other remedial works; or
- (b) receipt by the Municipality of new mapping.

5.11.4 Lands Under Private ownership

Where any lands designated Environmental Protection are under private ownership, this Plan does not intend that such lands will necessarily remain as such indefinitely. In addition, it shall not be construed as implying that such areas are free and open to the general public or that the Municipality or other government agency will purchase the lands. There is no public obligation, however, either to redesignate or to purchase any lands designated as Environmental Protection.

5.11.5 Application to Redesignate

An application to redesignate Environmental Protection lands for other purposes may be given due consideration by the Municipality in consultation with the Conservation Authority, the Ministry of Natural Resources or other public agency. Council shall consider the following matters:

- (a) the existing environmental and/or sensitive features;
- (b) the potential impacts of these environmentally sensitive lands;
- (c) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;

- (d) the compatibility of the proposed use with adjacent/surrounding land use; and
- (e) the provisions of Section 8.16 of this Plan.

5.11.6 Park Dedication

The Municipality may at its sole discretion, choose to accept lands designated Environmental Protection as part or all of a parkland dedication pursuant to the *Planning Act*. The Municipality may also choose not to accept Environmental Protection lands as part or all of the parkland dedication.

5.11.7 Significant Wetlands

In addition to the other policies of Section 5.11 of this Plan, the policies of Section 3.7.3(a) shall apply to significant wetlands and adjacent lands.

5.11.8 Zoning for Environmental Protection Lands

The Environmental Protection areas shall generally be zoned in a separate classification in the Zoning By-law.

Building setbacks may be established from the Environmental Protection Zone boundary based upon the severity of the hazard, the type of abutting use permitted and the need for buffering and the sensitivity of land features.

5.12 WASTE DISPOSAL

The Waste Disposal designation recognizes existing solid waste landfill/dump sites, both active and closed, and other disposal industrial-type uses such as waste transfer and recycling stations and wrecking yards.

5.12.1 Permitted Uses

Permitted uses shall include solid waste landfill sites as authorized by the Municipality and approved (as necessary) by the Ministry of the Environment; solid waste (garbage) transfer stations, material recycling/transfer facilities, composting facilities, and automobile wrecking yards.

5.12.2 Waste Disposal Designation

It shall be the policy of this Plan to designate Waste Disposal sites that are presently in operation and approved by the Municipality and the applicable approval authority.

(a) Solid Waste Landfill Sites and Areas of Influence

Solid waste landfill sites shall be designated as indicated on Schedule “A” of this Plan. These designations shall indicate the actual location of the solid waste landfill site and its area of influence, a distance of approximately 500 metres radius from the perimeter of the waste cell. The solid waste landfill site’s area of influence shall be subject to the policies of Section 5.12.8 where development of such lands is considered, and where such Waste Disposal areas are considered for redesignation.

No lot shall be created by plan of subdivision or consent to land severance, nor shall any zoning by-law amendment to permit a change in land use be enacted by Council in the area of influence, except where all applicable policies of this Section are addressed to the satisfaction of the municipality.

(b) Other Waste Disposal Uses

Waste Disposal land uses such as waste transfer stations, material recycling/transfer facilities, composting facilities, and automobile wrecking yards, shall be identified on Schedule “A” in the Waste Disposal designation.

5.12.3 Development Policies

(a) Major Land Use or Infrastructure

Waste management facilities (including landfills, dumps, incinerators, transfer stations, recycling facilities, composting facilities, sludge lagoons, settling basins, deep well or brine cavern placement, salvage yards, wrecking yards, and tire disposal or used tire storage sites) are defined as Major Land Use or Infrastructure, and shall only be permitted in accordance with the Policies of Section 3.18 of this Plan.

(b) New Waste Disposal Areas

Proposals for new Waste Disposal areas or expansions to existing operations shall be considered with regard to the following:

- (i) The physical suitability of the site for the proposed use;
- (ii) The compatibility of the proposed use with surrounding land uses;
- (iii) Potential impacts on the natural environment, with particular emphasis on groundwater quality;
- (iv) The degree to which the site will be exposed to the public;
- (v) The ability of roads accessing the proposed disposal industrial site to carry traffic volumes projected to be generated by the proposed development, and the suitability of the proposed access points to the maintenance of a constant traffic flow pattern; and
- (vi) The applicable policies of Sections 3.0 and 8.16 of this Plan.

Prior to the designation of any new Waste Disposal area, Council in consultation with the Ministry of the Environment may require the preparation of background studies to address the above noted issues. Such studies shall be undertaken by qualified individuals and shall be to the satisfaction of Council and all applicable agencies.

Any new Waste Disposal area shall front on an assumed public road that is currently maintained on a year-round basis by the Township of Otonabee-South Monaghan, the County of Peterborough, or the Ministry of Transportation.

Disposal industrial uses shall not be located within close proximity to any established or approved sensitive land use.

5.12.4 Development Plan

Prior to the development of Waste Disposal lands, an overall development plan shall be required to ensure the proper integration of adjacent uses. The development plan shall include the following information:

- (a) A survey of the entire property including contours, dimensions, watercourses, existing public roads, existing easements, or right-of-way and all existing land uses and structures within 125 metres of the property boundary on which the disposal industrial development is proposed.
- (b) A description of the location, height, dimension, and use of all buildings or structures proposed to be erected on the property, as well as setbacks, drainage provisions, proposed entrances, exits and parking areas, landscaping, final landfill contours and proposed truck routes to and from the site.

5.12.5 Access Points

Access points to the Waste Disposal area shall be limited in number, and designed in such a manner so as to minimize the danger of traffic congestion due to vehicular turning while accessing and exiting the subject site.

5.12.6 Ministry of the Environment

The Ministry of the Environment shall be consulted prior to the approval of an application for an Official Plan Amendment to designate land as a solid waste disposal site or other waste disposal facility.

5.12.7 Buffering and Setbacks from Sensitive Land Uses

Adequate buffering including noise attenuating and visual screening measures shall be provided for the purpose of reducing or eliminating the adverse effects of a Waste Disposal use on existing or proposed adjacent land uses. The buffer may take the form of a berm, a wall, a fence, or vegetation plantings, or a combination of these features, which would be most suitable in achieving its intended purpose.

The provisions of Section 3.12, Land Use Compatibility, shall be considered in establishing appropriate buffering requirements and setbacks from sensitive land uses.

5.12.8 Zoning

Waste Disposal uses shall be zoned in a separate zone classification in the Comprehensive Zoning By-law. Such zone classification shall include setback requirements in accordance with the appropriate guidelines and regulations of the Ministry of the Environment.

Lands affected by the “area of influence” for solid waste landfill sites shall be placed in an appropriate zone with a holding (H) provision added to the zone category. Removal of the holding (H) provision shall be subject to the policies of Section 8.4 of this Plan.

5.12.9 Closed Waste Disposal Sites

Closed solid waste landfill sites shall be indicated as such on Schedule “A” of this Plan and shall be zoned in a holding “H” zone classification in the implementing Zoning By-law. These sites and, where no site-related environmental information is available, lands within a 500 metre radius of the perimeter of the waste cell are identified as a waste disposal assessment areas for study purposes. Such lands may be used for the purposes permitted in the applicable designation without an Official Plan amendment, provided the Municipality in consultation with the Ministry of Environment is satisfied the following concerns have been addressed in an appropriate manner:

- (a) Studies have been carried out to the satisfaction of the municipality and the Ministry of the Environment that show that the development is compatible and can safely take place;
- (b) The municipality shall require the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
- (c) A qualified engineer shall carry out studies of gas, leachate and hydrogeology;
- (d) The municipality shall be satisfied with the required studies with respect to any matter regarding structural stability, safety, and integrity of any structure; and
- (e) Notwithstanding the land use designations on Schedule “A”, development will not be allowed to proceed in areas identified by this section as containing waste until the requirements of the Ministry of the Environment are met.

When the above described concerns have been satisfied, a closed solid waste landfill site may be rezoned in an appropriate zone classification reflecting the proposed use of the property, and the Holding (H) provision may be removed.

SECTION 6 COMMUNITY IMPROVEMENT

6.1 GENERAL

This plan recognizes that parts of the Township are ageing and that a need exists to upgrade the municipality's physical infrastructure, buildings, recreational facilities and the arrangement of existing land uses. Furthermore, the Township Council recognizes the need to maintain and rehabilitate the Township's physical environment and therefore is committed to ongoing improvement where deficiencies or opportunities exist.

6.2 PLANNING PRINCIPLES

It is a general objective of this Plan to achieve and maintain a standard of municipal services for identified Community Improvement Project Areas to provide for the health, safety and convenience of residents and visitors, within the financial capacity of the Township. As such, Council adopts the following specific community improvement objectives:

- (a) To improve and upgrade the Township's environment and, in particular, to address deficiencies with respect to the residential, commercial, industrial, recreational and community facility uses in Hamlets by:
 - (i) upgrading municipal services;
 - (ii) increasing the efficiency of the movement of vehicular and pedestrian traffic;
 - (iii) ameliorating land use conflicts; and
 - (iv) enhancing the aesthetic quality of the area.
- (b) To encourage and support efforts by the private sector to maintain and improve existing buildings and structures.
- (c) To undertake community improvement projects in a manner that is fiscally responsible, recognizing the anticipated growth and various functions of the community including its social and economic roles.
- (d) To improve and upgrade municipal facilities and services including those serving institutional, recreational, cultural, social and community related functions.
- (e) To encourage the preservation of the Township's heritage buildings and historical resources.
- (f) To enhance the Township's ability to accommodate new development and economic growth, and to foster a favourable climate for private investment.
- (g) To ensure that buildings and property are maintained to acceptable standards.

- (h) To undertake a monitoring program to review budgeting and program direction in respect to attainment of specific policies.

6.3 COMMUNITY IMPROVEMENT AREA SELECTION CRITERIA

In selecting and designating community improvement areas pursuant to Section 28 of the *Planning Act*, Council shall have regard for deficiencies related to roads, sidewalks, lighting or other municipal services and residential, commercial, industrial, cultural, community facility and recreational buildings, structures or areas. In more specific terms, the selection and designation of community improvement areas should be undertaken where a number of the following deficiencies or opportunities have been identified:

- (a) Roads in need of improvement such as resurfacing and/or reconstruction;
- (b) A need for new or the replacement of existing sidewalks;
- (c) A need for new or the replacement of existing storm water drainage systems and/or a need for improved drainage on particular properties;
- (d) A need for new or the replacement of existing street lighting;
- (e) A need for new or the replacement of outdated traffic signals or traffic directional information signs;
- (f) A need for new or the upgrading of existing recreational facilities or lands;
- (g) A need for new or the upgrading of existing institutional and community facilities or lands;
- (h) A need for new or the upgrading of existing cultural and social facilities or lands;
- (i) A deficiency in the amount, variety and/or quality of housing to meet the needs of the Township's residents;
- (j) A deficiency in off-street and/or on-street parking resulting in traffic hazards and inconvenience;
- (k) A deficiency in the aesthetic or structural quality of streetscapes, particularly in existing commercial areas; and
- (l) A deficiency in traffic circulation or access.

In addition to the criteria noted above, consideration for the selection and designation of community improvement areas may also be given in circumstances where the following situations have been identified:

- (a) Conflicts between existing land uses;
- (b) Environmental problems such as flood susceptibility, noise or odour;
- (c) Man-made hazards such as level crossings, abandoned buildings etc; and
- (d) Vacant or under-utilized lots or blocks with good potential for development or redevelopment.

6.4 COMMUNITY IMPROVEMENT AREAS

All lands designated as Hamlet on Schedule “A” of this Plan are community improvement areas.

It is the intent of this Plan that community improvement projects be undertaken in these areas as needed. However, prior to approving any improvement plans, Council must be satisfied that it can reasonably finance and afford the Township’s share of any costs.

6.5 PHASING OF COMMUNITY IMPROVEMENT

It is the intent of this Plan that improvements should be undertaken in the Hamlets as funding is available.

6.6 IMPLEMENTATION

In implementing this Plan’s community improvement objectives Council shall:

- (a) Apply municipal authority granted under the provisions of the *Planning Act* to designate by By-law, any part of the Township of Otonabee-South Monaghan as a community improvement project area(s), on the basis of the criteria outlined in Sections 6.3 and 6.4;
- (b) Undertake the preparation of community improvement plans and the development of community improvement programs pursuant to Section 28 of the *Planning Act*;
- (c) Participate in senior government programs that provide financial assistance for community improvement;
- (d) Incorporate any other relevant municipal programs into the community improvement plan;
- (e) Encourage the participation of the private sector in the implementation of the community improvement plan;

- (f) Support and encourage the participation of local community groups, service clubs, school boards, ratepayer associations and other public organizations in the implementation of the community improvement plan;
- (g) Improve, acquire or dispose of land and/or buildings in a designated area in accordance with the community improvement plan;
- (h) Develop Property Standards By-laws in accordance with Section 8.6 of this Plan;
- (i) Support the historic preservation of significant buildings and sites through application of the *Ontario Heritage Act*; and
- (j) Consult with Otonabee Conservation in circumstances involving stormwater management or flood susceptible lands.

SECTION 7 TRANSPORTATION POLICIES

7.1 GENERAL

The transportation policies of this Plan are concerned primarily with the road network, since travel by means of private vehicle is the predominant means of moving goods and people within the Township of Otonabee-South Monaghan.

Bicycling is recognized as an alternative mode of transportation, which can play a positive role in improving mobility and quality of life as part of a balanced transportation system.

7.2 ROADS PLAN

The road network in the Township of Otonabee-South Monaghan shall be developed in accordance with the Roads Plan shown on Schedule “A” and the policies contained in this Plan. The existing and proposed roads in the Municipality are classified on Schedule “A” according to their ultimate function. Schedule “A” establishes the general road pattern by dividing the roads into the following functional classifications:

- (a) Provincial Highways;
- (b) County Roads;
- (c) Township Roads; and
- (d) Private Roads.

7.3 INTERPRETATION OF ROADS PLAN

It is intended that the location of proposed roads shown on Schedule “A” shall be considered as approximate. Amendments to this Plan will not be required to make minor adjustments to the approximate location of proposed roads, provided that the general intent of the Roads Plan is preserved. Such changes will not necessarily be shown on Schedule “A”. Furthermore, it is not intended that all Township Roads be shown on Schedule “A”. Therefore, amendments to this plan will not be required to add any new roads to the Township Roads network.

7.4 FUNCTIONAL CLASSIFICATIONS

The Roads Plan is based on the interrelationship of land use and transportation. The road pattern is designed to facilitate a satisfactory movement of both people and goods to and from the various land use areas within the Municipality. Elements of the road network also handle through traffic movement.

The overall road pattern should be in harmony with the Provincial Highway system, the County Road system and the proposed road pattern of the adjoining municipalities. The road pattern is based on the establishment of a hierarchy of roads in accordance with the following principles:

7.4.1 Provincial Highways

This designation applies to roadways under the jurisdiction of the Ontario Ministry of Transportation.

These roads are designed to facilitate the movement of medium to high volumes of traffic through the Municipality, typically on two to four traffic lanes. Highway 7 and Highway 28 are classified by the Ministry of Transportation as controlled access highways, and as such no new direct access will normally be permitted, nor will the Ministry normally permit any upgrading of existing private entrances to commercial standards. Access to lands designated as Commercial or Employment Areas adjacent to Highways 7 and 28 will normally be restricted to public road entrances entering the highway at locations that meet the minimum spacing requirements for intersections.

Development located adjacent to Provincial Highways will be subject to approvals required by the Ministry of Transportation, as set out in Section 3.8.11.

7.4.2 County Roads

County Roads are designed to facilitate the movement of medium volumes of traffic to and from the major traffic-generating areas in the County. This movement may be through traffic for trips that originate or terminate in the Municipality. County Roads may also serve a bridge function between the Provincial Highway system and the Township Road network. County Roads may carry local traffic to Provincial Highways or, conversely, distribute Provincial Highway traffic to Township Roads.

County Roads are under the jurisdiction the County of Peterborough. Access to County Roads from abutting properties should be limited. Any such access should be designed and located in accordance with the recommendations of the County. Development adjacent to County Roads will be subject to the applicable building setbacks required by the County.

7.4.3 Township Roads

Most Township Roads are the responsibility of the Municipality. Township Roads are typically designed to carry low volumes of local traffic and to provide access to individual properties. Township Roads should not serve major traffic-generating areas. The minimum right-of-way width shall be 20 metres.

7.4.4 Private Roads

Private roads are rights-of-way or laneways that are privately owned and whose maintenance and responsibility have not been assumed by the Township of Otonabee-South Monaghan. These roads serve the function of local access to private properties and typically carry low volumes of traffic. Road maintenance is normally the responsibility of the abutting property owners. Existing right-of-way widths vary and are often less than 20 metres.

Where a private road exists within the Municipality, there is no legal obligation on the part of the Municipality to assume or maintain the road. New development adjacent to private roads, including the creation of lots, shall be subject to the relevant policies of this Plan.

7.5 INTERSECTION AND CROSSING IMPROVEMENTS

It is intended that, wherever possible, as traffic conditions warrant, improvements in the form of jog elimination, sight triangles, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization will be undertaken. Wherever possible, such improvements will be undertaken, or the costs borne by, the proponent of the development that initiates the change.

No development or redevelopment of lands shall be approved in close proximity to an intersection or railway crossing which is scheduled for improvement until this improvement has been sufficiently designed to determine the land required for such improvement.

Any work at an intersection with a provincial highway shall require review and approval by the Ministry of Transportation.

7.6 ACCESS TO DEVELOPMENT

Development or redevelopment shall normally be permitted if access to a public road, of adequate construction and width, is available or established as a condition of approval.

Where development or redevelopment is proposed on an island, access to individual lots may be permitted by water if mainland parking and boat launching and docking facilities are available or will be provided as a condition of approval. The standards for such facilities shall be set out in the implementing Zoning By-law.

The location of access driveways should not create a traffic hazard because of concealment by a curve, grade or other visual obstruction. Access driveways should be limited in number and designed so as to minimize the dangers to vehicular and pedestrian traffic in the vicinity. Entrance standards of the Province, County and the Municipality shall be observed.

7.7 LAND ACQUISITION FOR ROADS PURPOSES

Where land is required for road widening, road extensions, road rights-of-way, intersections or railway crossing improvements, such land shall be obtained by the appropriate agency in the course of approving land severances, plans of subdivision/condominium and development or redevelopment applications. Any proposals to widen, extend or improve roads in the Municipality should take into account the scenic factors and natural attributes of the adjacent lands, particularly trees that may be on or near the road allowance. Where the Municipality is to take, acquire or assume lands for road purposes, Section 8.10 of this Plan shall apply.

SECTION 8 IMPLEMENTATION

8.1 GENERAL

This Plan shall be implemented by means of the powers conferred upon Council, the Committee of Adjustment, and other public agencies by the *Planning Act*, the *Municipal Act*, the *Building Code Act* and such other statutes as may be applicable. In particular, this Plan shall be implemented by zoning by-laws, by-laws pursuant to the *Municipal Act*, construction of public works and land acquisitions.

8.2 ZONING BY-LAWS

8.2.1 Zoning By-law Review

The Municipality shall enact a comprehensive Zoning By-law under Section 34 of the *Planning Act* to implement the policies of this Plan. The Zoning By-law shall make provision for adequate development standards and establish specific zones and permitted uses that reflect the policies and designations of this Plan. Within each designation separate zones may be established to ensure that compatible uses will be appropriately grouped. The comprehensive Zoning By-law may be amended as appropriate to recognize future conditions and changes in land use.

8.2.2 Zoning of Conforming Land Uses

Existing land uses that conform to the land use designations shown on Schedule “A” hereto shall be zoned in accordance with the zoning policies of this Plan, which pertain to each land use designation.

8.2.3 Zoning of Non-Conforming Land Uses

Existing land uses that do not conform to the land use designations shown on Schedule “A” hereto may be recognized in the Implementing Zoning By-law but the zoning of such lands shall not be further amended except in conformity with this Plan.

8.2.4 Zoning of Undeveloped Lands

It is not the intention of Council to zone all lands immediately to conform to the land use designation shown on Schedule “A” hereto. Any undeveloped lands in Hamlet, Existing Residential, Shoreline, Commercial, Employment Areas, Aggregate Resource and Recreation/Conservation areas may be zoned in accordance with the policies of this plan which pertain to each land use designation, when:

- (a) Council has made a previous commitment, such as a land severance, subdivision/condominium agreement, and/or a development agreement;

- (b) Council wishes to permit infilling and/or minor extensions of the existing development patterns in the Hamlet, Existing Residential and Shoreline areas; or when;
- (c) Council wishes to encourage in the Commercial and Employment Areas the establishment of the desired land uses provided that the development of such lands can be made subject to a land severance, subdivision/condominium agreement and/or development agreement.

All other undeveloped lands in Hamlet, Existing Residential, Shoreline, Commercial, Employment Areas, Aggregate Resource and Recreation/Conservation areas shall be placed in a development or rural zoning category to delay their development until Council approves an appropriate development application for such lands.

8.3 TEMPORARY USE BY-LAWS

8.3.1 Authorization

Council may pass temporary use by-laws to permit the use of land, buildings or structures on a temporary basis for a use that is otherwise prohibited by the Municipality's comprehensive Zoning By-law.

A temporary use by-law shall define the lands to which it applies and it shall prescribe the period of time during which it is in effect. The provisions of the *Planning Act* regarding the enactment and subsequent extensions of such by-laws shall apply.

8.3.2 Conditions for Passing

The following criteria shall apply where Council is considering a temporary use by-law under the provisions of Section 39 of the *Planning Act*:

- (a) Temporary use by-laws may be passed to permit uses that do not conform to this Plan provided that the temporary use will not affect the ability of the land in question to be used for the purposes intended in this Plan;
- (b) The proposed temporary use will be compatible with, or can be made compatible with, adjacent uses and areas;
- (c) Required measures to mitigate any adverse impacts will be applied;
- (d) Required services shall be adequate for the proposed use;
- (e) Access and parking shall be adequate for the proposed use; and

- (f) The proposed use is of a temporary nature and will not require any major construction, major site alterations, or extensive capital investment on the part of the owner or that the owner will not experience undue hardship in reverting the original use upon termination of the temporary provisions.

8.4 HOLDING PROVISIONS

8.4.1 General

The Municipality's Zoning By-law may include the use of holding provisions as authorized by Section 36 of the *Planning Act*. Lands subject to these provisions will be identified by a zone symbol followed by a dash and an "H" (for example, "M-H").

8.4.2 Purposes of Holding Provisions

Holding provisions may be applied when the zoning of a property or area has been decided but when conditions for its ultimate use have yet to be satisfied. The use of holding provisions shall be in accordance with one or more of the following criteria:

- (a) To ensure the provision of approvals or documentation from other agencies;
- (b) To ensure the completion of technical or professional studies;
- (c) To allow for the implementation of special design features in specific locations or developments;
- (d) To prevent or limit the use of land in order to achieve orderly phased development;
- (e) To ensure the provision, extension or upgrading of municipal services;
- (f) To provide for the removal, isolation or mitigation of a physical constraint to development;
- (g) To ensure the completion of measures to mitigate impacts on surrounding properties or areas; or
- (h) To ensure that all conditions of development including financial requirements and agreements in accordance with this Plan and/or the *Planning Act* have been complied with.

The by-law that applies the holding provision will specify the nature and purpose of that provision.

8.4.3 Interim Uses

The by-law that applies the holding provision will specify the uses that may be made of the property or area while that provision is in force. These may include existing uses and interim uses that Council has determined will not jeopardize the future use denoted by the zone symbol.

8.4.4 Removal of Holding Provisions

When the specified conditions of a holding provision have been satisfied, Council will pass a by-law under Section 36 of the *Planning Act* to remove that provision. Council may act at its own instance or upon the application of the property owner.

8.5 INTERIM CONTROL BY-LAW

Interim Control By-laws may be passed by Council in accordance with the provisions of Section 38 of the *Planning Act* for the purpose of controlling the use of land, buildings and structures within specifically designated areas for a period of time not exceeding one year in length, with provision for extending the time period for a total time period of not more than two years.

Prior to passing an Interim Control By-law, Council shall pass a resolution directing that a review or study be undertaken in respect to land use planning policies, issues or land use problems in the Municipality or in any area or areas thereof. It is intended that any Interim Control By-law be passed in order to adequately control development in a designated area or areas while the review or study is being completed.

8.6 PROPERTY STANDARDS BY-LAW

Council may enact a by-law pursuant to the provisions of Section 15.1 of the *Building Code Act*, setting forth the minimum standards for the maintenance and occupancy or use of such property that does not conform to the standards established thereunder.

8.6.1 Purpose

The main purpose of the Property Standards By-law is to set and enforce standards for maintaining the physical condition of buildings and lands and for their occupancy, including:

- (a) Physical safety of persons;
- (b) Fire prevention;
- (c) Pest prevention;

- (d) Pollution prevention;
- (e) General cleanliness; and
- (f) Physical appearance

8.6.2 Physical Condition of Buildings

In determining the physical condition of buildings, the following matters will be considered:

- (a) Structural standards;
- (b) Condition of exterior surfaces, weatherproofing, windows and doors;
- (c) Condition of stairways and porches;
- (d) Condition of chimneys; and
- (e) Adequacy of access.

8.6.3 Physical Condition of Lands

In determining the physical condition of lands, the following matters will be considered:

- (a) Cleanliness of yards, including the accumulation of debris, rubbish, waste or weeds; and
- (b) Usability of driveways and parking areas, including the accumulation of vehicles.

8.6.4 Other Requirements

The by-law may require that substandard properties be repaired and maintained to conform to the standards, may prohibit the occupancy of substandard property, and may require the levelling, clearing, and grading of such property where the owner does not maintain it. If an order is made but has not been complied with, the Municipality may repair or demolish accordingly and recover the costs of the work.

8.6.5 Maintenance of Public Property

Complementary to the enforcement of property standards on private properties, the Municipality will undertake to keep in a fit and well-maintained condition all Municipally-owned properties

and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, and recreational facilities, all in accordance with the Municipality's policies for its operations.

8.7 OTHER BY-LAWS

8.7.1 General

The Township shall review existing legislation pursuant to the *Municipal Act* and other relevant Provincial statutes and, where necessary, pass new by-laws as may be required to ensure that this Plan is fully implemented.

8.7.2 Tourist Camp By-law

The Municipality will update the existing Tourist Camp By-law to implement the provision of this Plan. In order to ensure that no mobile home, tourist trailer or tourist vehicle in a tourist camp is occupied on a year-round basis, tourist camp licenses shall only be issued for a defined season as specified in the by-law.

As a condition on the issuance of any licence, the tourist camp operator shall be required to enter into an agreement with every new (subsequent to the date of approval of this Plan) occupant of the tourist camp. This agreement will include covenants by the occupant that:

- (a) The occupant is not occupying a mobile home or a rented site for a mobile home or a mobile home or a mobile home park which constitutes a "residential complex" within the meaning of the *Tenant Protection Act*; and
- (b) The occupant will vacate the tourist camp outside the period of the licence;

The tourist camp operator shall create and maintain a record of such agreements, subject to inspection by the Municipality.

If any tourist camp requires a private piped water supply or wastewater disposal system, the Municipality will request the Ministry of the Environment to prepare the Certificate of Approval so as to restrict the operation of the system to the season specified in the Tourist Camp By-law.

8.7.3 Nutrient Management By-law

The Municipality may pass a Nutrient Management By-law to require that the collection, storage, and disposal of wastes from livestock operations be subject to a Nutrient Management Plan approved by the Municipality. This by-law may also require the applicant to file agreements for any off-site disposal of such nutrients.

8.8 SITE PLAN CONTROL

8.8.1 Purpose

The purpose of site plan control is to assist the Municipality in achieving its aim of making development efficient and attractive, more compatible with neighbouring land uses, and more sensitive to natural environment features and functions.

8.8.2 Designated Areas

In accordance with Section 41 of the *Planning Act*, all lands within the Corporation of the Township of Otonabee-South Monaghan are hereby designated as a Site Plan Control Area.

Any zone category of the implementing Zoning By-law which permits Major Land Use or Infrastructure and any lands having development requiring a Nutrient Management Plan shall also be designated as areas subject to site plan control.

8.8.3 By-laws to Exempt Development and Delegate Approval Authority

It shall be the policy of this Official Plan that the Council shall enact a by-law in accordance with Section 41(13) of the *Planning Act*, which by-law shall define the class or classes of development that may be exempted for the provisions of Section 41 of the *Planning Act*.

Council may enact a by-law under the provisions of Section 41(13) of the *Planning Act* to delegate to either a committee of the Council or to an appointed officer of the Municipality identified in the by-law, any of the Council's powers of authority under Section 41 of the *Planning Act*, except the authority to define any class or classes of development mentioned above in this subsection.

8.8.4 Guidelines

In applying site plan control, the Municipality will attempt to:

- (a) Deal with development conditions which cannot be covered by the use of zoning or where no land division is required;
- (b) Provide consistency of building design and a standard of urban design and aesthetics;
- (c) Minimize incompatibility with adjacent properties;

- (d) Provide safe and efficient access (for both vehicles and pedestrians), parking, and loading in appropriate locations;
- (e) Provide functional and attractive facilities such as lighting, landscaping and buffering;
- (f) Enhance the provision of services such as waste disposal, water supply, sewage disposal and storm drainage;
- (g) Secure the conveyance of any easements or rights-of-way in favour of the Municipality for the maintenance or improvement of drainage works, watercourses, roadways or other public utilities and similar undertakings;
- (h) Retain or enhance natural site features and functions;
- (i) Deal with development conditions that may be placed on a property by an authority having jurisdiction; and
- (j) Ensure that the proposed development is constructed and maintained in accordance with the plans and specifications approved by the Municipality.

8.8.5 Exempted Uses

The Site Plan Control By-law passed in accordance with Section 41(13) may exempt the following forms of development from the provisions of Section 41 of the *Planning Act*:

- (a) Low density residential housing such as a single detached dwelling, duplex or semi-detached dwelling, including a home occupation.
- (b) Farm buildings and structures save and except for:
 - (i) Any lands having development requiring a Nutrient Management Plan under the provisions of the Township's Nutrient Management By-law or other applicable law; and
 - (ii) Commercial buildings and structures used for the sale of agricultural goods or agricultural related goods and services that are made available to the general public at the site.
- (c) All structures and buildings accessory to and incidental to the above uses including renovations and minor extensions thereto.

8.8.6 Site Development Agreement

A development agreement may be required between the developer and the Municipality concerning the provision and maintenance of all facilities and works described in Section 41(7) of the *Planning Act*. Such an agreement should be registered against the lands to which it applies in accordance with Section 41(10) of the *Planning Act*.

8.8.7 Township Road Widening

It shall be the policy of this Plan that road widening may be required along any portion of a Township Road where the right-of-way contains less than the minimum right-of-way width contained in Section 7.4.3 of this Plan. Such lands may be required for road widening purposes without compensation as a condition of site plan control. The maximum dedication which may be required for a road widening as a condition of site plan approval shall be 5 metres, or the amount necessary to provide the proposed right-of-way width, whichever is less.

In addition, at the intersection of a Township Road and a County Road or Provincial Highway, the municipality may require as road widening an area having a maximum radius of 10 metres. These lands shall be dedicated, without compensation, as a road allowance as a condition of site plan control.

8.9 FEES AND COST RECOVERY

It is the policy of Council to adopt, by by-law, fee structures to attain full cost recovery of the Municipality's efforts and expenses in fulfilling its statutory mandate and in administering and enforcing its regime of by-laws. Licence fees may include an element of revenue generation above and beyond such full costs, in the form of a direct tax on licensees.

In carrying out of its legislative duties, under the *Planning Act* and the *Building Code Act* in particular, the Municipality may require that applicants bear the full costs of processing development applications to the point of a decision of Council. In addition to the normal schedule of tariffs, a by-law may provide that the Municipality's costs of using professional advisors and agents will form part of the application fee payable in the circumstances.

8.10 PUBLIC WORKS CONSTRUCTION AND LAND ACQUISITIONS

It is intended that the construction of public works and the public acquisition of lands within the Municipality shall be carried out in accordance with the policies of this Plan. Whenever the Municipality is asked to assume or is proposing to acquire any lands, an assessment will be conducted to determine if the lands are contaminated.

8.11 CONSENT GRANTING AUTHORITY & COMMITTEE OF ADJUSTMENT

The Consent Granting Authority shall be guided by the policies of this Plan, especially Section 4, the general intent and purpose of this Plan, and Implementing Zoning By-laws in making decisions pursuant to Section 53 of the *Planning Act*.

The Committee of Adjustment shall also have regard to the provisions of this Plan in making decisions pursuant to Section 45 of the *Planning Act*. Council may, from time to time, assign to the Committee by by-law minor variance duties beyond those specified in the *Planning Act*.

8.12 DEVELOPMENT STAGING

The phasing of development, in accordance with the policies of each specified designation, will be encouraged by the Municipality to ensure orderly, well-planned development.

The municipality may require that development within an appropriate designation be phased in accordance with the servicing capabilities and the perceived demand for residential lots. Substantial completion of development in one phase shall take place before progressive extensions to subsequent phases will be permitted.

8.13 REVIEW OF THE PLAN

It is intended that, in accordance with the provisions of Section 26 of the *Planning Act*, this Plan shall be reviewed every five years or earlier should changing technical, physical, social or economic conditions warrant.

In undertaking such a review of this Plan, Council shall have regard to the following:

- (a) The objectives and policies of this Plan;
- (b) The objectives and policies of the County of Peterborough Official Plan;
- (c) The provisions of the *Provincial Policy Statement* issued under Section 3 of the *Planning Act*; and
- (d) Changes that may occur in other legislation, regulations or guidelines established by the Province of Ontario.

8.14 NOTIFICATION TO AGENCIES AND RATEPAYERS

Council will provide notification for official plan amendments and zoning by-laws in accordance with the relevant provisions of the *Planning Act*.

8.15 TECHNICAL AMENDMENTS

The Municipality may forego public notification and public meeting(s) in connection with a Technical Official Plan or Zoning By-law Amendment if such Amendment does not affect the provisions and intent of the Official Plan or Zoning By-law as previously enacted. A Technical Amendment may involve the following:

- (a) Altering the number or arrangement of any provision;
- (b) Correcting punctuation or altering language to obtain a uniform mode of expression;
- (c) Correcting clerical, grammatical or typographical errors; or
- (d) Changing the format.

8.16 AMENDMENTS TO THE OFFICIAL PLAN

An amendment to Schedule “A” or “B” is required to permit the establishment of areas for uses other than those permitted in the area as shown on Schedule “A” or “B”.

Each Official Plan Amendment shall include background studies and a justification for the proposed change, prepared by the applicant.

In considering an amendment to Schedule “A” or “B”, or to the text of this Plan, Council shall have regard to the following criteria in addition to those specified elsewhere in this Plan:

- (a) Whether the proposed Amendment will be consistent with the overall purpose and intent of this Plan, and the objectives and policies set out in this Plan;
- (b) The need for the proposed change, use or development, having regard to lands elsewhere in the Municipality already designated for the proposed use;
- (c) The suitability of the site for the proposed use, having regard to the relevant objectives and policies of this Plan;
- (d) The compatibility of the proposed use with existing or planned uses on adjacent lands and surrounding land uses;
- (e) The location of the subject lands with respect to:
 - (i) The adequacy of the existing and proposed road system in relation to the development of the proposed use;

- (ii) The integration of the proposed land use with existing or planned land uses on adjoining lands;
 - (iii) The convenience and accessibility of the site for vehicular and pedestrian traffic, and traffic safety; and
 - (iv) The physical suitability of the site, considering existing or potential environmental or physical hazards, the impacts of these hazards, and the feasibility of overcoming these hazards;
- (f) The adequacy of the potable water supply, sewage disposal facilities, stormwater management and other municipal services;
- (g) The impact of the Amendment on significant environmental features and natural resources such as prime agricultural lands, mineral aggregate resources, wetlands, Areas of Natural and Scientific Interest, fish and wildlife habitat and significant forest resources;
- (h) The Minimum Distance Separation (MDS) formula requirements;
- (i) The potential effect of the proposed use on the financial position of the Municipality; and
- (j) Such other matters as may be required by the Municipality.

8.17 SECONDARY PLANS

Secondary plans are intended to provide more detailed land use planning policies for specific areas covered by the Township's Official Plan. The policies contained in secondary plans are intended to be complementary and supportive of the Township Official Plan policies, and should maintain the purpose and intent of the general policies and objectives of the Official Plan. Secondary Plans may be prepared and incorporated into this Plan by amendment.

The Township of Otonabee-South Monaghan has identified two key areas that may require the preparation of secondary plans depending on future land use, servicing and development trends. These are the Village of Keene and the area of the Hamlet of Fraserville. A secondary plan for Keene would be intended to provide more detailed policies for future land use development patterns and the avoidance of land use conflicts. A secondary plan for the Fraserville area may be warranted depending on the approval and implementation of the Fraserville Secondary Plan in the Township of Cavan-Millbrook-North Monaghan.

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