



Township of Otonabee-
South Monaghan

OFFICIAL PLAN

October 2025 Office Consolidation
(Including OPA No. 5 to No. 11,
No. 13 and No. 14)



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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 (INCLUDES MAPS 1 TO 12)

SCHEDULE "B" -- NATURAL FEATURES

SCHEDULE "C" – TRANSPORTATION PLAN

Constitute the Official Plan of the Township of Otonabee-South Monaghan.

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. Council and 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, the Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe.
- (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, water bodies or other obvious geographical features. It is also intended that the location of any proposed roads as indicated on Schedule “C” 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.

If there is a conflict between a definition in Section 1.5 or elsewhere in this Plan, and a corresponding definition in the Provincial Policy Statement, the definition contained in the Provincial Policy Statement shall prevail.

1.5 DEFINITIONS

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

Active transportation means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Agri-tourism use means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Agricultural condition means: (a) in relation to specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and (b) in regard to prime agricultural land outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

Agricultural Source Material means a variety of materials that may be sources of nutrients or pathogens such as:

- Manure produced by farm animals, including bedding materials;
- Runoff from farm-animal yards and manure storages;
- Wash water that has not been mixed with human body waste;
- Organic materials produced by intermediate operations that process the above materials (e.g.,mushroom compost);
- Anaerobic digestion output that does not include sewage biosolids or human body waste;

- Materials produced by aquaculture; and
- Regulated compost that is derived from compost containing dead farm animals.

Agricultural uses means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and seasonal accommodation for farm labour when the size and nature of the operation requires additional employment.

Agriculture-related uses means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

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.

Backshore Cluster Form of Development means a waterfront development, with the shoreline dedicated to communal use and protection, and designed so that lots or units for individual use are grouped away from the shoreline and occupy a minimum portion of the total area.

Cannabis shall mean a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of food stuffs [hemp milk, hemp seed, hemp oil], fiber and biofuels).

Cannabis production and processing means lands, buildings or structures used for producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.

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.

Comprehensive rehabilitation means rehabilitation of land from which mineral aggregate resources have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of mineral aggregate operations.

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*, including the maintenance of existing municipal and agricultural drains.

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.

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, and a nursery greenhouse, but does not include Cannabis Production and Processing.

Home Occupation means a home business conducted for gain or profit entirely within a dwelling unit by a person residing therein. Home occupations include uses such as but are not limited to, an office, personal service shop, a studio, or a workroom, or similar activity, and a private-home day care operation in a dwelling that does not require a license under the Day Nurseries Act

Infrastructure means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septic treatment systems, stormwater management systems, waste management systems, electricity generation facilities,

electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intake Protection Zone means the vulnerable area delineated around surface water intakes for municipal drinking water systems and is comprised of subzones. The IPZ-1 (subzone) is the area immediately adjacent to the intake and is considered the most vulnerable area due to its proximity to the intake. The IPZ-2 is a secondary protection area that is located upstream of the IPZ-1 and represents the extent to which a contaminant could travel to the municipal intake within 2 hours of its release into the environment (due to a spill or leak).

Intensification means the development of a property, site or area at a higher density than currently exists through: (a) redevelopment, including the re-use of brownfield sites; (b) the development of vacant and/or underutilized lots within previously developed areas; (c) infill development; and (d) the expansion or conversion of existing buildings.

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.

Municipality means the Corporation of the Township of Otonabee-South Monaghan.

Non-Agricultural Source Material means a variety of materials that may be sources of nutrients or pathogens and are intended to be applied to land as nutrients, but are not necessarily produced on a farm. Such materials may include pulp and paper biosolids; sewage biosolids; anaerobic digestion output; and, materials from dairy product or animal food manufacturing.

On-farm diversified uses means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

Residence surplus to a farming operation means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (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 in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

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, health facilities, churches, municipal offices, libraries, community centres, and day care centres.
- (c) Community and neighbourhood parks and playgrounds.

Significant drinking water threat means an activity which poses or has the potential to pose a significant risk to the source of a municipal drinking water system.

Significant drinking water threat, Existing means:

- (a) An activity that has been engaged in prior to January 1, 2015;
- (b) An agricultural activity (as defined by the Trent Source Protection Plan) that has been engaged in at some time since January 1, 2005;
- (c) An activity that is related to a development proposal where an application was made under the Planning Act, Condominium Act, or Building Code Act prior to January 1, 2015; or
- (d) An activity that is related to an application made for the issuance or amendment of a prescribed instrument prior to January 1, 2015.

Significant drinking water threat, Expansion means an increase in the scale of an activity already taking place on a property. The increase in scale may include, but is not limited to:

- (a) Increasing the area of land where an activity is taking place;
- (b) Increasing the amount of effluent or discharge from an activity;

- (c) Increasing the quantity of chemical or pathogen containing material handled or stored; or
- (d) Increasing the quantity of chemical or pathogen containing material applied.

Significant drinking water threat, Future means an activity that is to commence after January 1, 2015.

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

Transport Pathway means a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system contained in the Trent Source Protection Plan. Transport pathways may include, but are not limited to, the following for groundwater systems: wells or boreholes, unused or abandoned wells, pits and quarries, mines, construction activities involving deep excavations (such as building foundations, basements, parking garages), underground storm sewer, and sanitary sewer & water distribution system infrastructure. For surface water systems transport pathways include but are not limited to: storm drainage infrastructure (e.g. storm sewer lines, culverts, ditches), and tile drains.

Vulnerable Area means areas around municipal drinking water sources where activities may be a significant drinking water threat now or in the future. These areas are shown on the applicable Official Plan Schedules.

Wellhead Protection Area means the vulnerable area delineated around groundwater wells that supply municipal drinking water systems and is comprised of subareas. The WHPA-A (subarea) is the area that is closest to the municipal wellhead and is considered the most vulnerable area due to its proximity to the municipal wellheads

SECTION 2 BASIS AND OBJECTIVES OF PLAN**2.1 OFFICIAL PLAN REVIEW AND APPROVAL**

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 were included in the Official Plan of the Township of Otonabee-South Monaghan (2005).

The Official Plan of the Township of Otonabee-South Monaghan was approved by the County of Peterborough on June 1, 2005, with modifications and deferrals, and further approved with modifications on November 2, 2005.

Subsequent to the 2005 approval of the Official Plan of the Township of Otonabee-South Monaghan by the County of Peterborough, the Official Plan was subject to 11 amendments approved by either the County of Peterborough or the Ontario Municipal Board (as of October 2014). Those approved official plan amendments have been included in the updated Official Plan (2014).

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 farm consolidations, grain farms, organic farms, the local food movement, and 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 (2011) population is approximately 6,660 persons (Census Canada).

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, the Indian River corridor, 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.

2.2.7 Source Water Protection

The Trent Source Protection Plan came into effect on January 1, 2015. This Plan has been updated to incorporate source water protection policies through OPA No. 4. In accordance with the Clean Water Act, 2006, a Source Protection Plan has been developed and approved for the Township of Otonabee-South Monaghan. The applicable land use policies associated with that document are contained within Section 3.2.2 of this Plan.

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, and the Indian 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 retention, 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.

To promote the local food industry.

(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.

To promote culinary tourism and local food.

(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, businesses and visitors to 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, and to consult with First Nations as appropriate.

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

3.1A MUNICIPAL GROWTH MANAGEMENT

3.1A.1 General Growth Management Policy

The designated Hamlets on Schedule “A” shall be the focus of growth in the Township, particularly for new residential development.

New development in Hamlets shall be undertaken in accordance with the policies of Section 5.2 of this Plan, and in particular, the pattern and form of new development in the Hamlet areas should comply with the policies of Section 5.2.3.

The residential growth policies of this Plan encourage opportunities for intensification in Hamlet areas through the use of vacant and under-utilized lands. However, it is recognized that there may also be limited opportunities for new growth based on the re-use of developed lands and the expansion and conversion of existing buildings. Such development will be considered in accordance with the policies of Sections 3 and 5.2 of this Plan.

Rural lands within the Township should retain their natural character and should be used primarily for a compatible mix of agricultural uses, the management or use of resources, resource-based recreational activities, limited residential development, and other rural land uses. Such development should be compatible with the rural landscape and be able to be sustained by rural service levels.

Prime agricultural areas within the Township, as identified by the Agricultural land use designation, shall be protected for long-term use for agriculture, in accordance with the policies of this Plan.

3.1A.2 Future Growth

Based on the County of Peterborough Demographic Analysis Report: 2011 Census, the population of the Township is 6,887 persons, which represents approximately 12 percent of the population of the County of Peterborough (56,700).

Under the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”), the County of Peterborough Official Plan is responsible for allocating growth among the eight local municipalities in the County. A percentage distribution has been used by the County as an approach for allocation such growth. Using present trends and future growth factors in addition to directing growth to settlement areas with full municipal services (which are not available in the Township of Otonabee-South Monaghan), the County has allocated 11.2 percent of the new population growth in the County to the Township of Otonabee-South Monaghan.

It is anticipated that this modest population increase will be accommodated primarily within the existing settlement areas in the Plan (the designated Hamlet areas), as well as the rural areas in accordance with the policies of this Plan.

3.1A.3 Expansion of Hamlets

The establishment of new Hamlet areas will not be permitted. The expansion of the boundaries of an existing Hamlet may be undertaken only at the time of a comprehensive review of this Plan, and only where it has been demonstrated that:

- (a) Sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas within existing Hamlets to accommodate the projected needs over the 20-year planning period of this Plan;
- (b) The infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety;
- (c) Where the proposed expanded Hamlet area is on lands designated as Agricultural on Schedule “A” of this Plan:
 - (i) The lands do not comprise specialty crop areas;
 - (ii) There are no reasonable alternatives which avoid prime agricultural areas; and
 - (iii) There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.
- (d) Impacts from expanding Hamlet areas on agricultural operations that are adjacent or close to the Hamlet are mitigated to the extent feasible.

Notwithstanding the above policies, where proposals to change existing Hamlet area boundaries do not result in a net increase of Hamlet area within the Township, planning justification as opposed to a comprehensive review of the Official Plan shall be required for the adjustment to ensure that the policies of this Plan are maintained.

All applicable objectives and policies of this Plan shall be considered in determining the most appropriate direction for expansions of the boundaries of existing Hamlets.

For the purposes of this policy a “comprehensive review of this Plan” means an Official Plan review which is initiated by the Township Council, or an official plan amendment which is initiated and adopted by the Township Council, which considers matters including, but not limited to, population and growth projections, alternative directions for growth in the Municipality, how best to accommodate growth while protecting provincial interests, reviews opportunities for growth through intensification and redevelopment, confirms that lands to be developed do not comprise specialty crop areas, is integrated with planning for infrastructure and public service facilities, and considers cross-jurisdictional issues.

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 will be encouraged 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.

The County and the Township have passed by-laws under the *Development Charges Act* and development charges will be levied on development in accordance with the *Development Charges Act* and its Regulations.

3.2 WATER SUPPLY AND WASTEWATER SERVICING

3.2.1 Protection of Groundwater Resources

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 Source Water Protection

Source protection planning is the first line of defense in a multi-barrier approach that seeks to prevent the contamination and overuse of surface water and groundwater sources of municipal drinking water. This is achieved by evaluating threats to drinking water sources and establishing policies to prevent, manage, or eliminate the threats.

The Township of Otonabee-South Monaghan is located within the Trent Conservation Coalition Source Protection Region and is subject to the policies of the Trent Source Protection Plan. As such, the Township has been mandated to provide direction through land use planning policies to ensure that developments within the municipality do not negatively impact our municipal drinking water sources.

3.2.2.1 Goals

- (a) to implement the land use planning component of the Trent Source Protection Plan;
- (b) to identify, protect, improve and restore the quality and quantity of surface water and ground water resources within vulnerable areas as identified within the Trent Source Protection Plan.

3.2.2.2 Objectives

- (a) to protect existing and future sources of municipal drinking water from incompatible land uses;
- (b) to maintain and wherever feasible, enhance the quantity and quality of ground water and surface water;
- (c) to minimize the potential for contamination including potential contamination from road salt on sources of municipal drinking water;
- (d) to identify water resource systems including ground water features, hydrologic functions, natural heritage features and areas and surface water features including shoreline areas, necessary for the ecological and hydrological integrity of the watershed;
- (e) to promote informed stewardship in vulnerable areas in collaboration with the Province, area Municipalities and local Conservation Authorities.

3.2.2.3 General Policies

- (a) Policies in the Trent Source Protection Plan apply to vulnerable areas which have been identified on Land Use Schedules to the Township of Otonabee-South Monaghan Official Plan.
- (b) The Township's Zoning By-law shall include zones and/or mapping and zone provisions to identify vulnerable areas and implement the approved Trent Source Protection Plan and this Plan.
- (c) The following land use activities shall be prohibited in vulnerable areas where they would constitute a future significant drinking water threat unless otherwise stated in the Trent Source Protection Plan:
 - i) The application or storage of agricultural source material;
 - ii) The management of agricultural source material;
 - iii) The application, handling, or storage of non-agricultural source material;
 - iv) The application, handling, or storage of commercial fertilizer;
 - v) The application, handling or storage of pesticide;
 - vi) The handling or storage of road salt;

- vii) The storage of snow;
- viii) The handling or storage of fuel;
- ix) The handling or storage of dense non-aqueous phase liquid;
- x) The handling or storage of an organic solvent; or
- xi) The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.
- xii) Waste Disposal Sites

- (d) During pre-consultation and development application review, Municipal staff, Conservation Authority, and the Risk Management Official will provide information related to source water protection to the proponent, to indicate whether the proposed application is within a vulnerable area and that Trent Source Protection Plan policies may apply.
- (e) Development applications within identified vulnerable areas shall be accompanied by a Notice issued by the Risk Management Official under Section 59(2) of the Clean Water Act, 2006, as amended.
- (f) New land uses, including the creation of lots, and new or expanding land use activities, shall not be permitted within vulnerable areas unless it can be demonstrated that they do not pose a significant drinking water threat.

Where any new land uses, including the creation of lots, and new or expanding land use activities are to be serviced by a private well or septic system, the owner shall provide to the satisfaction of the municipality an assessment of local ground water conditions by a qualified hydrogeologist or other qualified professional to confirm that there will be no adverse impact on the quantity and quality of the municipal water supply, before approval will be given under this Plan or any other By-law.

- (g) Existing land uses which support an associated significant drinking water threat activity should be managed pursuant to the Trent Source Protection Plan.
- (h) Persons undertaking land use activities that are, or may be, a significant drinking water threat may be required to comply with a Risk Management Plan.
- (i) Existing septic systems that are a significant drinking water threat shall connect to the municipal sewage collection system where it is feasible to do so, given financial and technical constraints.
- (j) Future septic systems that are a significant drinking water threat shall only be permitted where it is not feasible to connect to the municipal sewage collection system and must comply with applicable Ontario Building Code construction standards.

(k) The installation of any future municipal wastewater collection system(s) must comply with construction standards that will ensure that the collection system is not a significant drinking water threat.

3.2.2.4 Sewage Systems

Planning approvals shall not be given to proposed land uses dependent upon large sewage systems (more than 10,000 L/day) such as wastewater treatment plants, communal septic systems and some types of industrial sewage treatment systems where they would constitute a significant drinking water threat. Exceptions to this policy may be made where all of the following conditions are met:

- (a) The proposed system is intended to replace an existing sewage system;
- (b) The proposed system would be more protective of drinking water; and
- (c) The Ministry of Environment and Climate Change is satisfied that the system is not a significant drinking water threat.

3.2.2.5 Waste Disposal

Future waste disposal sites within the meaning of Part V of the Environmental Protection Act that require Ministerial approval are prohibited where they would be a significant drinking water threat, except a PCB waste destruction unit where that unit will be used for the sole purpose of the on-site destruction of PCB waste that originated on that site.

3.2.2.6 Transport Pathways

- (a) If a person applies to a municipality for approval of a proposal to engage in an activity in a vulnerable area that may result in the creation of a new transport pathway or the modification of an existing transport pathway, the municipality shall give the Source Protection Authority and the Trent Conservation Coalition Source Protection Committee notice of the proposal and a copy of the notice to the person responsible for the proposal.
- (b) When informing the Source Protection Authority and the Trent Conservation Coalition Source Protection Committee about a new or modified transport pathway, notice must include:
 - A description of the proposal;
 - The contact information of the person responsible for the proposal; and
 - A description of the approvals the person requires to engage in the proposed activity.

- (c) Municipalities may establish a by-law prohibiting the approval of a proposal to engage in an activity that will result in the creation of a new transport pathway within a vulnerable area.
- (d) Council has passed By-law No. 2015-60 to regulate Transport Pathways. Council may from time to time amend or replace this By-law.

3.2.2.7 Stewardship

The Township, in collaboration with the Province, the Conservation Authority, and the County, will promote good stewardship practices for lands and water within vulnerable areas.

The Township of Otonabee-South Monaghan may consider the use of alternative protection measures within the most vulnerable areas which may include land acquisition, land management and/or entering into conservation easements, agreements and development of stakeholder partnership programs to minimize or eliminate significant drinking water threats.

3.2.2.8 Monitoring

- (a) Where a Municipality has taken action(s) to acquire lands in accordance with the provisions of the Planning Act, the Municipal Act, or any other act, an annual report shall be prepared by February 1 each year, describing these actions for the preceding calendar year. This report must be made available to the applicable Source Protection Authority. It is recommended that the contents of the report include, but are not limited to:
 - A summary of any land purchases within a vulnerable area and how significant drinking water threats were eliminated as a result of the purchase.

This annual report shall be completed by the CAO.

- (b) Where the Municipality has required a Section 59 Notice as part of a complete application under the Planning Act, an annual report shall be prepared by February 1 each year, describing how this requirement was met for the preceding calendar year. This report must be made available to the applicable Source Protection Authority, and where the approval authority is not the lower or single tier municipality, the report will be copied to all applicable municipalities. It is recommended that the contents of the report include, but are not limited to:
 - The Official Plan policy requiring the Notice;
 - The number of pre-consultation meetings and stakeholders at each meeting;
 - The number and type of application(s);
 - The status of all applications.

This annual report shall be completed by the CAO.

(c) Where the Municipality has required by by-law that sewage systems that are a significant drinking water threat be connected to a municipal servicing system, an annual report shall be prepared by February 1 each year, describing the actions it has taken to meet this requirement during the preceding calendar year. This report must be made available to the applicable Source Protection Authority. It is recommended that the contents of the report include, but are not limited to:

- A summary of how the by-law was implemented;
- A summary of any systems connected to municipal sewage collection.

By-law No. 2015-61 was passed by Council to address the connection of septic systems which are a significant drinking water threat to the municipal sewage collection system. This annual report shall be completed by the CAO.

(d) Where the Municipality has required by by-law that the creation of a new transport pathway within a vulnerable area is prohibited, an annual report shall be prepared by February 1 each year, describing actions it has taken to meet this requirement during the preceding calendar year. This report must be made available to the applicable Source Protection Authority. It is recommended that the contents of the report include, but are not limited to:

- Any activities that are undertaken as part of an education and outreach program;
- A summary of the by-law(s) created.

Council passed By-law No. 2015-60 to regulate Transport Pathways. This annual report shall be completed by the CAO.

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” generally means six or more residential lots or dwelling units where residences may be permanent homes or primary places of residence, with the exception that “multi-lot” residential development shall also include the creation of more than three new severed residential lots in the Hamlet designation in accordance with Section 4.1 of this Plan and subject to Sections 4.2 and 5.2 of this Plan.

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 Hamlet 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 where applicable. 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.

3.2.3.1 Requirement for Private Communal Servicing, Part Lots 20 & 21, Concession 16, Part of Block B and all of Block C, Otonabee Ward, Township of Otonabee-South Monaghan

Notwithstanding the requirements for municipal ownership and operation of communal sewage for six or more private residences, the lands legally described as Part of Lots 20 and 21, Concession 16, Part of Block B and all of Block C, Otonabee Ward, Township of Otonabee-South Monaghan, may be permitted to be serviced by private communal sewage systems owned, operated, administered and maintained by a Condominium Corporation established for said lands. Where such system is proposed to service a plan of condominium, the Township may require the owner to enter into a municipal responsibility agreement and such requirement may also be imposed as a condition of draft (condominium) plan approval. The Municipality will not assume responsibility for these private services except in default of the responsibility agreement.

3.2.4 System Ownership

The Township owns and maintains communal water systems in the Hamlet 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. The only exception is for the Safe Harbour (Burnham Meadows) subdivision development in the Hamlet of Donwood (subject to the provisions of the subdivision agreement), which will be serviced by full municipal sewage and water services extending from the City of Peterborough, excluding any on-site wastewater treatment systems.

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 and 3.2.2 with respect to Source Protection.

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 and Section 3.2.2 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.

Stormwater management, including the planning and design of stormwater facilities, will be undertaken in accordance with the Ministry of the Environment Guideline “Stormwater Management Planning and Design Manual” (2003).

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 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.
- (i) For development proposals located within a vulnerable area, and which require the construction of roads, other impervious land surfaces used for vehicular traffic and parking, and including impervious pedestrian paths, consideration shall be given to design strategies and alternative surfacing which minimizes the amount of impervious surface area.

Parking area design that minimizes the amount of impervious surface area to which road salt may be applied is encouraged.

Grading, maintenance activities and drainage designs that reduce ponding and direct any run-off outside of vulnerable areas, where possible, are encouraged.

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 Recreation Plan

All municipal parks and recreation facilities in the Municipality shall be developed in accordance with a recreation 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 Recreation Facilities
- Neighbourhood Playgrounds
- Neighbourhood Parks
- Community Centres

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 Recreation Facilities

Community recreation facilities are municipal lands, buildings and structures 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.

(e) Community Centres

Community centres are facilities owned by the Township, operated by the Township or a local volunteer group which are used for recreational or cultural purposes.

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 or 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 Recreation Facilities

If the designated Hamlet areas become substantially developed, the existing community recreation facility at Keene could be expanded. Alternatively, another community recreation facility 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 may be provided as community need and municipal financial resources warrant in each designated Hamlet area, except Keene and any other designated area where a community recreation facility 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, the Indian 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.

3.5.7 Lang-Hastings Trail

Policies for the Lang-Hastings Trail in the Township of Otonabee-South Monaghan are outlined in Section 7.4.6 of this Plan.

3.5.8 Other Recreation Facilities

In addition to municipal parks and recreation facilities, this plan recognizes conservation and recreational uses on lands in the Recreation/Conservation land use designation (Section 5.10). The Recreation/Conservation designation permits a range of recreational facilities on private lands and also on public lands including lands under the jurisdiction of the Province of Ontario, the County of Peterborough, and the Otonabee Region Conservation Authority. These lands provide opportunities to the public where such facilities are permitted by this Plan and the Implementing Zoning By-law.

This plan also recognizes that private recreational facilities may be provided as part of a permitted commercial use in the Shoreline or other designation including, but not limited to, a Tourist Establishment, Tourist Camp, Resort Complex or other similar use as may be permitted in the Implementing Zoning By-law. Council may, where deemed appropriate, encourage private land owners to provide community access to these recreational facilities.

Where deemed appropriate, Council may also encourage shared use or community access to recreational facilities owned and operated by a Board of Education or other institution.

Shared or community access to private recreational facilities on other private property which is not designed for this use shall generally be discouraged unless zoned for this purpose or provided under an agreement with a public entity or recreational association (i.e., a trail association).

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, and Species at Risk in the Township, as identified by the Ministry of Natural Resources and/or the Otonabee Region Conservation Authority.

(b) Other Areas with Natural Constraints – Natural Hazards

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 Hazards - Contaminated and Potentially Contaminated Sites

Areas with human-made hazards 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 Protection of Environment/Natural Heritage Features

The Municipality recognizes the need to develop policies that will protect and where possible enhance the natural environment and significant natural heritage features within the Township of

Otonabee-South Monaghan. As such this Plan recognizes the following environmental/natural heritage features and their functions:

- Significant Wetlands and Other Wetlands
- Fish Habitat
- Significant Wildlife Habitat
- Significant Woodlands
- Significant Valleylands
- Significant Habitat of Endangered Species and Threatened Species
- Significant Areas of Natural and Scientific Interest (ANSIs)

Where mapping has been provided, the approximate extent and location of these natural heritage features have been identified on Schedule “B” and/or designated as “Environmental Protection” or “Environmental Protection/PSW” on Schedule “A”. Lands designated as Environmental Protection are subject to the policies of Section 5.11 of this Plan.

Not all lands having environmentally sensitive features are designated as “Environmental Protection” on the Land Use Plan – Schedule “A” – due to the size and/or sensitivity of the feature, the degree of hazard it creates, or a lack of information. During the review of development proposals lands with sensitive features may be identified. Depending on their significance and/or hazardous nature, such features shall be protected. An application to develop on or adjacent to such a feature shall be subject to the applicable policies of Section 3.7.3.3 of this Plan.

3.7.3.1 Objectives

- (a) Natural features and areas shall be protected for the long term.
- (b) The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- (c) The prohibition of incompatible land uses within significant and sensitive environmental features and areas.
- (d) To encourage the general public and the private development industry to participate in the co-ordination and implementation of sound management initiatives and practices as they relate to the identified natural environmental features of the Municipality.
- (e) To identify, in consultation with the Ministry of Natural Resources and the Conservation Authorities (and as funding permits), significant woodlands, significant valleylands and significant wildlife habitat, for the purposes of protection as specified in the Provincial Policy Statement (PPS). This Plan may be amended accordingly to recognize significant

woodlands, significant valleylands and significant wildlife habitat when mapping of these features is available.

3.7.3.2 Determination of Adjacent Lands

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

- (a) Within 120 metres of a Significant Wetland;
- (b) Within 120 metres of an ANSI (Life Science);
- (c) Within 50 metres of an ANSI (Earth Science);
- (d) Within 120 metres of significant woodlands;
- (e) Within 120 metres of significant valleylands;
- (f) Within 120 metres of significant wildlife habitat;
- (g) Within 120 metres of the significant portions of the habitat of endangered and threatened species; and
- (h) Within 120 metres of fish habitat.

3.7.3.3 General Policies

- (a) Decisions made by the Township Council affecting planning matters shall be consistent with the provisions of Section 2.1 of the Provincial Policy Statement, the *Natural Heritage* policies.
- (b) Where determined by the Municipality or County, in consultation with the local Conservation Authority and/or the Ministry of Natural Resources, the Municipality shall require the developer to prepare an Environmental Impact Study (EIS) as part of any proposal for development or site alteration, where potential exists for a negative impact on the natural environmental features, functions and/or adjacent lands.
- (c) The scope of an EIS report, required by subsection (b) above, shall be determined by the Municipality in consultation with the local Conservation Authority and/or the Ministry of Natural Resources. The EIS report will be completed by a qualified professional.
- (d) EIS reports shall comply with the requirements of the Ministry of Natural Resources Natural Heritage Reference Manual for Natural Heritage Policies of the 2005 Provincial

Policy Statement (2010), and shall be approved by the Municipality in consultation with the local Conservation Authority and/or the Ministry of Natural Resources, and shall address the following:

- (i) A detailed description of the development proposal;
- (ii) A description of existing on-site and adjacent land uses including the land use designations identified on Schedule “A” of this Plan;
- (iii) The identification of all land uses or activities that may negatively impact on the natural environmental feature or their ecological functions;
- (iv) The delineation of the environmental features including those identified on Schedule “B” of the lands subject to the development proposal;
- (v) A statement of the environmental and ecological significance of the area affected by the proposed development;
- (vi) A detailed description of the mitigation measures and monitoring program to be undertaken as part of the development proposal which will ensure no negative impacts to the features or their ecological functions; and
- (vii) Any other site-specific information deemed necessary by the Municipality in consultation with the local Conservation Authority and/or the Ministry of Natural Resources.

(e) The shoreline of Rice Lake is an important natural feature within the Township. Special measures should be considered when the Municipality is reviewing development proposals along the shoreline to minimize potential negative impacts on the water quality of the Lake. These may include measures such as development setbacks, maintaining the natural vegetation and physical characteristics of the shoreline, and effective stormwater management to the satisfaction of the Municipality, in consultation with the Otonabee Region Conservation Authority.

3.7.3.4 Environmental Protection Policies

The areas designated Environmental Protection and Environmental Protection/PSW on Schedule “A” of this Plan play an important role in the preservation of the Municipality’s natural environmental systems, including wetlands, water courses and shoreline areas. The Environmental Protection designation also includes natural hazard areas and features, which may pose a threat to life and property due to inherent characteristics such as floodplains, erosion and dynamic beach hazards, and steep slopes. The policies that apply to such areas are set out in Section 5.11 of this Plan.

3.7.3.5 Significant Wetlands

Wetlands are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be wetlands for the purpose of this Plan.

For the purposes of this Plan, “significant wetlands”, as defined in the Provincial Policy Statement, means an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

The policies of Section 5.11.8 of this Plan shall apply to significant wetlands identified on Schedules “A” and “B” of this Plan.

3.7.3.6 Areas of Natural and Scientific Interest

Significant Areas of Natural and Scientific Interest (ANSIs) are areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

The following policies shall apply to the significant Life Science and Earth Science ANSIs identified on Schedule “B” of this Plan:

- (a) Development and site alteration shall not be permitted in significant ANSIs unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- (b) Development and site alteration shall not be permitted on adjacent lands to significant ANSIs unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

3.7.3.7 Significant Woodlands

Wooded areas within the Township have not yet been evaluated to determine their significance. This Plan may be amended accordingly to recognize significant woodlands when mapping of these features is available.

Once identified, development and/or site alteration shall not be permitted in or adjacent to (within 120 metres) of significant woodlands unless it has been demonstrated that there will be no negative impacts on the woodland or its ecological functions.

3.7.3.8 Significant Valleylands

Valleylands within the Township have not yet been evaluated to determine their significance. This Plan may be amended accordingly to recognize significant valleylands when mapping of these features is available.

Once identified, Council shall require development proponents to undertake studies completed by a qualified professional to determine if the proposed development and/or site alteration within or adjacent to (within 120 metres) of the valleyland will result in negative impact on the valleyland or its ecological functions, and to recommend appropriate mitigative measures.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 metres) of significant valleylands unless it has been demonstrated that there will be no negative impacts on the valleyland or its ecological functions.

3.7.3.9 Fish and Significant Wildlife Habitat

For the purposes of this Plan the following definitions and policies shall apply to fish habitat and significant wildlife habitat within the Township:

- (a) Fish habitat, as defined in the *Fisheries Act, c. F-14*, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life functions; and
- (b) Significant Wildlife habitat includes areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas that are important to migratory or non-migratory species.
- (c) Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. The Municipality shall consult with the Department of Fisheries and Oceans or the local Conservation Authority to determine such requirements.
- (d) Where development and/or site alteration is proposed within 120 metres of fish habitat, an EIS will be required to assess the potential impact on fish habitat, in accordance with the policies contained in Section 3.7.3.3(d) of this Plan.
- (e) Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- (f) Development and site alteration shall not be permitted on adjacent lands to significant wildlife habitat unless the ecological function of the adjacent lands has been evaluated and

it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Fish habitat shall be identified in consultation with the Ministry of Natural Resources and the Conservation Authority.

Significant wildlife habitat areas within the Township have not yet been identified. This Plan may be amended accordingly to recognize significant wildlife habitat when mapping of these features is available.

3.7.3.10 Water Setbacks

Shoreline development inclusive of sewage systems shall be set back from the normal high water mark of water bodies and watercourses to encourage minimal adverse impacts on both the shoreline and water body/watercourse. New development shall be set back sufficiently from any water body or watercourse to promote the protection of water quality and natural stream and valley lands.

For the purpose of this Plan and the implementing Zoning By-law, all new development on a lot shall be set back a minimum of 30 metres from the normal high water mark of water bodies and watercourses.

Notwithstanding anything in this section to the contrary, structures such as pump houses, docks, open decks and stairs, and minor accessory buildings/structures shall be a permitted use and may encroach into the 30-metre setback without a minor variance or zoning by-law amendment, provided that the property owner can demonstrate to the Township's satisfaction and, if appropriate, the authority having jurisdiction over the waterway, that it does not negatively affect the waterfront environment. If addressed in the Zoning By-law, applicable standards must be met. Notwithstanding the above, boathouses shall not be permitted within the 30-metre shoreline setback.

Structures legally existing as of October 22, 2008 that do not comply with the required setback provision that require replacement due to structural defects or destruction by fire or other natural causes, or demolished by permit, will be permitted to be replaced on the same footprint and may only be enlarged in accordance with the provisions of the Zoning By-law, and where the enlargement does not further encroach into the 30-metre setback.

Notwithstanding the above policies, sewage system leaching beds requiring replacement due to structural damage or malfunction should be set back a minimum of 30 metres from the high water mark if possible or to the greatest setback that is achievable to the satisfaction of the Health Unit. Due to their importance to ensuring public health and/or safety, a minor variance or zoning by-law amendment will not be required in the case where the replacement leaching beds must be located within the 30-metre water setback.

Lots of record as existing on October 22, 2008 (whether vacant or developed) shall attempt to have structures and septic systems set back a minimum of 30 metres from the high water mark. Where it is not possible to achieve the 30 metre setback, then new buildings and structures shall be set back as far as possible from the high water mark, as determined by the Municipality in consultation with the Conservation Authority, Health Unit, or any other agency. An Environmental Impact Statement may be required in these situations to determine the appropriateness of the reduced setback. In this regard, a minor variance or a zoning by-law amendment for a reduced setback for existing lots of record may be permitted.

Minor variances or zoning changes to accommodate proposed expansions of a structurally permanent nature to existing structures and/or septic systems that further reduce any applicable minimum water setback shall not be permitted unless it is a matter of public health and/or safety.

Severances for lot additions should not be recommended if the lot addition would leave a remnant parcel which would not be capable of maintaining the 30 metre water setback.

3.7.3.11 Endangered Species and Threatened Species

The following policies shall apply to the significant habitat of endangered species and threatened species within the Township:

- (a) Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- (b) The location of the significant habitat of endangered and threatened species is not specifically identified on the Land Use Schedule of this Plan. The Municipality will review development applications using the best and most up-to-date available information on endangered and threatened species location that is available from the Ministry of Natural Resources.

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 shall generally be directed to areas outside of:

- (a) Hazardous lands adjacent to the shoreline of Rice Lake that are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
- (b) Hazardous lands adjacent to river and stream systems which are impacted by flooding hazards and/or erosion hazards (for example, the Otonabee River, Indian River and other watercourses in the Township); and

(c) Other hazardous sites that may be identified by the Township or the Otonabee Region Conservation Authority.

Development and site alteration shall not be permitted within a dynamic beach hazard.

Development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

Development will not be permitted in a floodway that has been identified by the Otonabee Region Conservation Authority, regardless of whether the area of inundation contains high points of land not subject to flooding. Notwithstanding this policy, development may be permitted in a floodway where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

The definitions of the terms “dynamic beach hazards,” “erosion hazards,” “flooding hazards,” “floodway,” “hazardous lands” and “hazardous sites” shall be as contained in the Provincial Policy Statement (2014).

3.7.5 Areas with Human-Made Hazards -- Re-Use of Contaminated and Potentially Contaminated Sites

Sites which may be contaminated should be identified in advance of development proposals. Where sites have been identified as being potentially contaminated, a site analysis (Record of Site Condition) shall be prepared by a qualified person on behalf of the developer prior to accepting an application for development or re-development to determine the nature and extent of contamination.

All sites identified which may be contaminated must be investigated thoroughly and a clean-up plan prepared in accordance with Ministry of the Environment policies and guidelines prior to approval in principle being granted. A legally-binding commitment to implement the clean-up plan will also be required.

Mandatory filing of a Record of Site Condition in the Registry is required for the change of use of a property from industrial or commercial to residential or parkland. Phase 1 Environmental Site Assessments (ESAs) should be carried out at sites which may be contaminated, and Phase 2 ESAs should be completed, both by a qualified person, if required. Clean-up of contaminated sites should be done in accordance with the Record of Site Condition Regulations (O. Reg. 153/04) and with MOE guidelines *“Record of Site Condition – A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition”* dated October 2004 or associated guidelines. Council may also request the filing of a Record of Site Condition when reviewing planning applications for redevelopment that may be contaminated but do not require mandatory filing.

Existing building stock and brownfield sites shall be identified and promoted for intensification and redevelopment. Availability of suitable existing and planned infrastructure and public service facilities required to accommodate projected needs should also be considered.

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 including Source Water Protection policies.

3.8.3 Road Setbacks

Setbacks from roads shall be provided in accordance with the Municipality's implementing zoning by-law and/or the requirements of the applicable road authority 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;
- (c) permit the parking and movement of vehicles clear of any road allowance; and
- (d) provide for on-site stormwater management.

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 Separation (MDS I and MDS II)

New land uses, including the creation of lots, and new or expanding livestock operations, shall comply within the Minimum Distance Separation 1 (MDS 1) and the Minimum Distance Separation 2 (MDS 2) Formulae contained in the *publication Minimum Distance Separation (MDS) Formulae, Implementation Guidelines, Publication 853, Ministry of Agriculture, Food and Rural Affairs, Queen's Printer, Toronto, 2016*, as amended from time to time.

For clarity, MDS I shall not apply to lands designated as Hamlet or Shoreline on Schedule “A” of this Plan.

The implementing Zoning By-law may establish regulations for the application of the Minimum Distance Separation 1 (MDS 1) Formulae to existing lots.

MDS I setbacks will generally not be needed for On-farm Diversified Uses where the potential for conflict with existing agricultural operations is limited.

Where, in the opinion of the municipality a proposed On-farm Diversified Use that is expected to generate significant visitation by the broader public could lead to potential conflicts with existing livestock facilities and/or anaerobic digesters located in close proximity to the proposed On-farm Diversified Use, an MDS I setback may be required.

MDS II setbacks to existing agriculture-related uses and On-farm Diversified Uses will generally not be needed for building permit applications for first or altered livestock facilities and anaerobic digesters.

3.8.11 Ministry of Transportation Requirements

Under the authority of the Public Transportation and Highway Improvement Act, the Ministry of Transportation (MTO), 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. This MTO permit control area applies to existing highways and future alignments.

3.8.12 Mineral Aggregate Resource Setbacks and Protection of Mineral Aggregate Resources and Operations

Mineral aggregate resources shall be protected for long-term use. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion

or continued use, or would be incompatible for reasons of public health, public safety or environmental impact.

Licensed mineral aggregate operations and areas of known high potential mineral aggregate resources are designated as Aggregate Resource on Schedule “A” of this Plan.

The following policies and the policies of Section 5.7.7 of this Plan shall apply with respect to proposals for development on or adjacent to lands designated as Aggregate Resource on Schedule “A”.

Sensitive land uses (as defined in Section 1.5 of this Plan) should not be permitted to locate within:

- (a) 300 metres of the existing licensed area for a sand and gravel pit operation; or
- (b) 500 metres of the existing licensed area for a quarry operation;

unless studies are completed to demonstrate that the encroachment of the sensitive land uses will not be impacted by such matters as groundwater interference, noise, dust, traffic and vibration.

In addition to the above policy, development in or within 300 metres of known deposits of mineral aggregate resources (lands designated as Aggregate Resource), which would preclude or hinder the establishment of new mineral aggregate operations or access to the resources, shall only be permitted if:

- (a) resource use would not be feasible; or
- (b) the proposed land use or development serves a greater long term public interest; and
- (c) issues of public health, public safety and environmental impact are addressed.

Existing licensed mineral aggregate operations shall be protected from development and 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.

The above-noted influence areas should be applied reciprocally to new sensitive land uses encroaching upon an existing extraction operation or lands committed for future extraction.

3.8.13 Cannabis Production and Processing

- (a) Applicants are required to appear before Council or the Municipal Director of Planning to undertake pre-consultation to review the proposal for Cannabis Production and Processing prior to making an application.

- (b) All proposed Cannabis Production and Processing shall ensure, to the satisfaction of the Municipality, that the appropriate measures are implemented in building and site design to ensure the preservation of human health and safety.
- (c) All proposed Cannabis Production and Processing may be required to undertake detailed hydrogeological and site servicing studies, at the discretion of the Township, to ensure the proposed development can be adequately serviced without negatively impacting municipal water servicing capacity, surface or ground water supply, municipal wastewater facilities, watershed health and fish habitat. Development of Cannabis Production and Processing may not be permitted if adequate water or wastewater servicing cannot be provided. Development of Cannabis Production and Processing shall undertake appropriate measures to mitigate, to the greatest extent possible, any adverse impacts identified.
- (d) Where ecological and hydrologic features are present, all proposed Cannabis Production and Processing shall undertake an Environmental Impact Study (EIS), which includes an assessment of impacts of wastewater on the ecological and hydrological integrity of the water shed including fish habitat. Development of Cannabis Production and Processing in these situations shall undertake appropriate measures to mitigate to the greatest extent possible, any adverse impacts identified.
- (e) All proposed Cannabis Production and Processing shall implement dark sky friendly lighting and building design. All exterior lighting shall be directed downward and deflected away from the night sky and adjacent lots. Greenhouses and any other building or structure with interior lighting with the potential to cause light pollution must be designed so as to prevent interior lights from illuminating the night sky.
- (f) All Cannabis Production and Processing facilities may be required to undertake odour screening studies, at the discretion of the Township, to assess potential impacts on sensitive receptors and mitigate as appropriate through recommended odour control measures.
- (g) All proposed Cannabis Production and Processing facilities may be required to undertake noise impact studies, at the discretion of the Township, to assess potential impacts on adjacent sensitive receptors and mitigate as appropriate.
- (h) All proposed Cannabis Production and Processing facilities are subject to the Township's Zoning By-law and Site Plan Control By-law.

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 BUSINESSES

3.11.1 General

Home businesses provide employment opportunities and encourage diversification of the local economy. In rural municipalities, where commercially zoned and employment lands are in limited supply and distances are greater, home businesses often serve as incubators for small businesses. Home businesses are significant creators of new jobs; enhance opportunities for tourism and improve access to services. Home businesses are to be limited in scale and are not intended to include businesses that are more appropriately located in hamlets, commercial or employment areas. Home businesses are comprised of two general categories, *Home Industries* and *Home Occupations*.

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. Furthermore, a home occupation or home industry are not subject to the policies and provisions of On-farm Diversified Uses if they meet the specifications outlined in this Plan and the implementing Zoning By-law.

3.11.2.1 Establishing a Home Business

The establishment of home businesses within the Township is permitted, in accordance with the policies of this section.

In prime agricultural areas on lands that are in agricultural production, home businesses may be established in accordance with the following requirements:

- a) The use is clearly secondary to the primary residential use or agricultural use on the lot and can be made compatible with surrounding uses, maintaining the character of the main use on the property;
- b) Adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal use on the property, and such parking is provided in locations compatible with surrounding land uses;
- c) The access is sufficient to ensure that the use will not cause a traffic hazard;
- d) The use can be serviced with appropriate water and wastewater systems;
- e) The signage advertising the use is to be designed and located in accordance with the Township's Sign By-law and/or Zoning By-law;
- f) In the Agricultural and Rural designations, if the Home Business exceeds the maximum scale outlined in the implementing Zoning By-law, the Home Business shall be considered an On-farm Diversified Use and shall be established in accordance with Section 3.29 of this Plan.

3.11.2.2 Home Occupations

Home Occupations are those home businesses which are operated entirely within a residential dwelling on the subject property. 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.

Home Occupations include, but are not limited to, uses such as an office, personal service shop, a studio, or a workroom, or similar activity, and a private-home day care operation.

Home Occupations are permitted in the Agricultural, Rural, Hamlet, Existing Residential and Shoreline designations, subject to the policies of this Section of the Plan and the regulations of the Implementing Zoning By-law.

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 type of home occupation uses.

As such, a home occupation may be established on a property, where permitted, subject to the following policies:

- a) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- b) The use is completely located in the principal residence of the person conducting the home-based business and the character of the dwelling as a private residence is preserved;
- c) Adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal use on the property, and such parking is provided in locations compatible with surrounding land uses;
- d) Outside storage and display associated with home occupations shall not be permitted;
- e) Access is sufficient to ensure that the use will not cause a traffic hazard;
- f) The use can be serviced with appropriate water and wastewater systems; and,
- g) The signage advertising the use is to be designed and located in accordance with the Township's Sign By-law and/or Zoning By-law.

3.11.2.3 Home Industry

Home Industries are home businesses which are located in a building accessory to the main permitted use on the subject property. Home industries are permitted on properties designated Existing Residential, Shoreline, Agricultural and Rural, in accordance with the regulations and provisions of the Township's Zoning By-law. Home Industries are not permitted in Hamlet areas, except where specifically permitted through a Zoning By-law Amendment. Home Industries include, all the uses permitted as a Home Occupation, together with uses such as, but not limited to workshops (carpentry, metal working/welding, electrical plumbing, small engine repair, and a landscaping or landscape contracting business).

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 of home industry uses.

- a) A home industry that exceeds the maximum size and scale outlined in this Plan and in the implementing Zoning By-law may be established as an On-farm Diversified Use, provided home industry meets the policies of Section 3.29 of this Plan. Such use must be located on

within the Agricultural (A) Zone or the Rural (RU) Zone and on a property that is actively farmed. The home industry is not required to be directly associated with agricultural production but must be secondary to the main agricultural use. The use must be compatible with and not hinder surrounding agricultural operations.

3.11.3 Zoning

The implementing Zoning By-law shall further detail appropriate performance standards for Home Occupations, Home Industries and On-farm Diversified 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

3.13.1 General Policy

In order to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area, Council shall:

- (a) Maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment of land and, if necessary, lands which are designated and available for residential development;

- (b) Maintain at all times where development is to occur, land with servicing capacity to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and in draft approved and registered plans of subdivision;
- (c) Encourage the provision of a mix and range of housing types in the Municipality;
- (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 possible;
- (f) Encourage residential intensification where practical;
- (g) Monitor the provision of affordable housing in the Municipality;
- (h) Encourage group homes and consider policies to regulate their location such as separation distances and other policies as required by the Ministry of Health and Long-Term Care, the Ministry of Community, Family and Children's Services, and the Ministry of Public Safety; and
- (i) Encourage and support developments for long-term care facilities and retirement homes located in built-up areas subject to the provision of adequate services.

3.13.2 Garden Suites

A “Garden Suite” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

Garden suites as defined above are not a permitted form of housing in the Township.

3.13.3 Second Dwelling Units

Secondary dwelling units are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (e.g. laneway garages). In order to provide additional housing options, secondary dwelling units shall be permitted within the Hamlet, Existing Residential, Rural, Agricultural and Shoreline designations, subject to the policies of this Plan, the applicable zoning provisions, the Ontario Building Code and Fire Code, and property standard by-laws.

Where a secondary dwelling unit is proposed, the owner shall demonstrate to the Township that adequate water and sewage servicing can be provided. Such information must accompany the building permit application (or Planning Act application, if required), to the satisfaction of the Township and the applicable permitting authority.

Secondary dwelling units shall only be permitted in single detached, semidetached, and row dwelling units, or within structures accessory thereto. Secondary dwelling units shall only be located on lots that front on a publicly maintained road and can provide adequate off-street parking. Secondary dwelling units shall not be permitted within the regulated floodplain area.

3.14 DEVELOPMENT APPLICATIONS AND PRE-CONSULTATION

A complete application shall contain the prescribed information as required under Sections 22(4) and 34(10.1) of the *Planning Act* as applicable for each application. In addition, and in accordance with the provisions of Sections 22(5) and 34(10.2) of the *Planning Act*, R.S.O. 1990, as amended, the Municipality may request additional information or material that it considers it may need when considering a complete application for an official plan amendment or a zoning by-law amendment. Such information may include, but is not limited to, any of the following:

- (a) Servicing options report;
- (b) Hydrogeological study (in accordance with Guidelines of the Ministry of the Environment);
- (c) Engineered drainage plan and/or stormwater management plan;
- (d) Market analysis/justification study;
- (e) Traffic study;
- (f) Environmental Impact Study (refer to Section 3.7.3);
- (g) Archaeological study;
- (h) Planning report;
- (i) Natural Resource Analysis (mineral aggregates, mineral non-aggregates, forests, etc.);
- (j) Noise impact study;
- (k) Agricultural land use justification;
- (l) Impact on Municipal/other services;
- (m) A Section 59 Notice made under the *Clean Water Act, 2006* from the Risk Management Official.

It is recognized that the County of Peterborough may also require such studies for applications under its jurisdiction, and may review these studies internally or through the use of peer

reviewers. In such instances, the Municipality will communicate with the County and will endeavour to coordinate the requirement for and review of studies submitted to both the County and the Township in support of related development applications.

The Municipality may require a pre-development agreement to provide for the recovery of municipal costs related to the review of information requirements in support of the development application(s).

If an application for an official plan amendment or a zoning by-law amendment is proposed, the applicant may be required to appear before Council or the Municipal Director of Planning to undertake pre-consultation to review the planning proposal prior to making an application. The Municipal Director of Planning can waive the pre-consultation if the application is considered to be minor and it is determined that pre-consultation is not required. Normally, if a consent is granted by the approval authority where a zoning by-law amendment is required as a condition of final approval of the consent, no pre-consultation is required.

3.15 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments will generally be permitted in all land use designations where residential uses are permitted, provide the property has frontage on a publicly-maintained road, and subject to the following:

- a) Such use shall only be permitted in a single detached dwelling;
- b) The property is the principal residence of the person operating the bed and breakfast establishment; and
- 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:
 - (i) The maximum number of guest rooms per establishment;
 - (ii) The provisions of adequate off-street parking space;
 - (iii) Restrictions on the size and nature of advertising signs; and
 - (iv) Restriction on the type of dwelling in which such 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.

In addition, with respect to Source Water Protection, the Township may acquire land located in the most vulnerable areas in consideration of the following criteria:

- the nature of any existing and potential future significant drinking water threats;
- The availability of the lands for purchase; and,
- The availability of funds and financial feasibility.

Such acquisitions must be monitored in accordance with Section 3.2.2.

(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.
- (x) That the use complies with the Source Water Protection policies of Section 3.2.2 where applicable.

(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 Municipality of Cavan Monaghan. In accordance with the policies of the Provincial Policy Statement (2014), the airport shall be protected from incompatible land uses and development by:

- (a) Prohibiting new residential development and other sensitive land uses in areas near the airport above the 30 NEF/NEP line that is shown on Schedules “A” and “C” of this Plan;
- (b) Considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and
- (c) Discouraging land uses which may cause a potential aviation safety hazard.

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 (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
- (iv) the potential impacts on the Municipality's services and financial resources, together with proposals for reducing or eliminating those impacts.

(b) Additional Requirements

The Municipality may require one or more reports in accordance with Section 3.14 of this Plan, which shall be prepared by a qualified professional.

(c) Pre-Development Agreements and Peer Reviews

The Municipality may require a pre-development agreement to provide for the recovery of municipal costs related to the review of information requirements in support of the development application(s).

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. The applicant shall be responsible for the costs of any such peer review.

(d) Pre-consultation

Pre-consultation between the applicant and the Municipality shall be required in accordance with Section 3.14 of this Plan.

3.19 PUBLIC USES

3.19.1 Permitted Public Uses

To the extent that the Municipality has jurisdiction, and 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;
 - (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; and
- (d) Telecommunications towers and related facilities.

3.20 PROHIBITED USES

3.20.1 General Policy Regarding Prohibited Uses

The following uses shall be prohibited in the Municipality:

- (a) 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*;
- (b) 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;
- (c) any public-sector Major Land Use or Infrastructure for which a rationale for its undertaking, deemed acceptable by the Municipality, is not provided; and
- (d) 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 Definitions

For the purposes of this Plan, a wayside pit or a wayside quarry means a temporary pit or quarry opened and used by or for 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 3.18 of this Plan.

3.22.2 No Requirement for Amendment

Wayside pits and quarries used on public authority contracts shall be permitted, without the need for an amendment to this Plan or rezoning, in any designation except a residential land use designation that is zoned for residential use, or land designated or zoned Environmental Protection or Environmental Protection/Provincially Significant Wetlands (PSW), provided that the use conforms to the *Aggregate Resources Act*.

3.22.3 Rehabilitation Requirements

On prime agricultural lands as defined in the Provincial Policy Statement, wayside pit and wayside quarry extraction may occur provided the agricultural rehabilitation of the site is professionally carried out and substantially the same acreage and average soil quality for agriculture are restored. Complete rehabilitation of prime agricultural lands is not required if:

- (a) there is a substantial quantity of mineral aggregates below the water table warranting extraction; or
- (b) the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and
- (c) the applicant has considered alternative sources of supply (on prime agricultural lands where rehabilitation to agriculture is possible, on poorer quality agricultural lands, and on lands identified as designated growth areas) and found them unsuitable. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, and Canada Land Inventory Classes 1, 2 and 3; and
- (d) rehabilitation to agriculture is maximized in the remainder of the licensed area.

3.22.4 Development Agreement

Prior to the removal of any material from the subject site, the landowner may be required to enter into a development agreement with the Municipality. The agreement should include:

- (a) Dust and noise control measures; and

(b) An exact indication of the routes to be used by gravel trucks and guarantees with respect to road damage.

In some instances, Council may consider it appropriate to waive the development agreement.

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; and

(b) 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 AND PORTABLE CONCRETE PLANTS

3.25.1 Definitions

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 of bulk materials used in the process; and
- (b) Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant means a building or structure:

- (a) With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- (b) Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

3.25.2 No Requirement for Amendment

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

3.25.3 Separation Distances

Portable asphalt plants and portable concrete 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.

3.25.4 Agricultural Lands

Portable asphalt plants and portable concrete plants establishing upon lands designated as Agricultural, comprised of prime agricultural areas as identified in the Provincial Policy Statement, may occur provided the agricultural rehabilitation of the site is carried out and substantially the same acreage and average soil quality for agriculture are restored.

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 will, in consultation with the appropriate planning approval authority, have regard to the comments of the TSW/Parks Canada on municipal planning applications.

3.29 ON-FARM DIVERSIFIED USES

On-farm Diversified Uses are permitted to be established on an active farm with the expectation of gain or reward. The intent is to provide a balance between protection of productive agricultural land and an opportunity for diversification of income streams for the farm owner. The agricultural use must remain the primary use of the property, such that the On-Farm Diversified Use remains secondary to that use, both temporally and spatially. On-farm diversified uses must be compatible with surrounding agricultural operations and shall not inhibit ongoing farming operations, or the expansion of those operations.

On-Farm Diversified Uses that are directly related to agriculture, such as agritourism uses, value-added uses (food processing, cidery, meadery, winery, and micro-brewery) are permitted without further approval under the Planning Act, provided that the farm owner can demonstrate that appropriate servicing is available (to the satisfaction of the Township's Chief Building Official or Peterborough Public Health).

In those instances where an existing On-farm Diversified Use is proposed to be expanded to a scale that exceeds the requirements of the provisions of the applicable Agricultural (A) Zone or Rural (RU) Zone, the Township's Committee of Adjustment may authorize a minor variance from the provisions of the Zoning Bylaw, provided the Planning Act requirements are met and meets the intent of the Province's Guidelines for Permitted Uses in Prime Agricultural Areas, as may be amended from time to time.

Where the use meets the intent of this Plan and provisions and regulations of the Zoning By-law, further approvals under the Planning Act will not be required.

3.29.1 Establishing an On-Farm Diversified Use

Prior to establishing an on-farm diversified use, a farm owner is required to pre-consult with the Municipality to determine whether the proposed use is consistent with Provincial policies and the policies of this Official Plan and its implementing Zoning By-law.

The farm owner is expected to provide the municipality with a clearly written plan for development of the proposed On-farm Diversified Use. A site sketch must accompany the written submission. This site sketch will include the following:

- a) the location and size of the parcel;
- b) the location and area of the portion of the farm to be utilized for the On-Farm Diversified Use;
- c) the location of existing and proposed uses, together with existing and proposed, including existing or new buildings and structures;
- d) the area of the farm in agricultural production;
- e) type of agriculture and agriculturally-related activities on the existing farm operation;
- f) neighbouring adjacent land uses (other farms, non-farms residences, commercial businesses, etc.);
- g) location of access entrance to the site and laneways for the On-farm Diversified Use for customers and for emergency vehicles, including the width and type of surface;
- h) a profile of traffic generation (number of cars, trucks, delivery vehicles, frequency of traffic, e.g. Traffic Management Plan);
- i) detail regarding areas proposed for parking (number, type, size);
- j) provisions for waste collection and recycling;
- k) type and location of any exterior lighting (both on the buildings and freestanding);
- l) type and location of signage on buildings and at gateway;
- m) location and type of washroom facilities;
- n) Fire protection measures to meet the Ontario Building Code;
- o) Studies conducted by professionals may be requested by the Authority with jurisdiction;

Where the use meets the intent of the Plan and provisions and regulations of the Zoning By-law, further approvals un the *Planning Act* will not be required. Notwithstanding, Site Plan Control may be applied to any new On-Farm Diversified Use at the discretion of the Township.

3.29.2 Municipal Considerations

In considering the suitability of the proposed use, the Municipality will consider:

a) Location

The On-farm Diversified Use may be located:

- i. within an existing dwelling on the farm property, with the exception of a Home Industry, which must be located in an accessory building or structure;
- ii. within a surplus farm building, if such structure can reasonably be repurposed to accommodate the use;
- iii. within a replacement building that occupies the same footprint as the existing surplus farm building. In cases where a replacement building occupies a larger footprint than the existing building, its lot coverage, for the purposes of Section 3.29.2 (c), will be calculated at 100%;
- iv. within a new, purpose-built structure(s) to accommodate the On-farm Diversified Use; or
- v. within a temporary structure erected for the On-farm Diversified Use.

b) Use of Existing Farm Structures

To retain the agricultural character of the property and the rural landscape, reuse of existing structures for On-Farm Diversified Uses is encouraged. It will be necessary for a farm owner to pre-consult with the Township's Chief Building Official to discuss the suitability of the structure to accommodate the proposed use. Where the suitability of an existing farm building is uncertain, due to Ontario Building Code or Fire Code requirements, it will be necessary for the proponent to provide satisfactory documentation to the Chief Building Official demonstrating its suitability.

c) Size and Scale

The intent of this policy is to limit the area taken out of agricultural production, ensuring that the On-farm Diversified Use remains secondary to the main farm operation. The Municipality will consider the total footprint of the use, on a lot coverage basis.

- (i) Up to 2% of the farm parcel on which the use is proposed to be located, to a maximum of 1 hectare may be permitted to be utilized for an on-farm diversified use, as of right.
- (ii) The area of existing, repurposed agricultural buildings will be calculated at 50%, when determining area of the proposed On-farm Diversified Use, provided the repurposed building remains within the same location and is not expanded, in accordance with Section 3.29.2 (b).

- (iii) The area of new buildings, outdoor storage, septic systems, landscaped areas, berms, laneways and parking will be calculated at 100%. Where more than one On-farm Diversified Use is proposed on a property, the total lot area dedicated to the On-farm Diversified Uses shall not exceed 2%, to a maximum of 1 hectare.
- (iv) The use of existing laneways and parking areas shared with agricultural uses are not included in area calculations.
- (v) The gross floor area of all buildings dedicated to the On-Farm Diversified Use shall be limited to the scale outlined in the applicable Zoning By-law
- (vi) Notwithstanding Section 3.29.2 (c) to the contrary, a minor exceedance of the maximum size requirements of an On-Farm Diversified Use may be permitted through an application for minor variance, in accordance with Section 45(1) of the Planning Act.

d) Compatibility

In determining the compatibility of the proposed use within the surrounding agricultural areas, the proposed On-farm Diversified Use will be assessed on a case-by-case basis. The following considerations are applicable:

- a) Would the proposed On-farm Diversified Use hinder surrounding agricultural operations, such as timing of the planting and harvest, manure spreading, pesticide use, etc.? If so, can the farm owner alter the On-farm Diversified Use to mitigate or address this conflict?
- b) Is the use appropriate to available rural services and infrastructure, including access for emergency services?
- c) Does the use maintain the agricultural/rural landscape of the area?
- d) Does the use meet applicable environmental standards for emissions and discharges related to air, noise, waste or sewage?
- e) Will the proposed use generate reasonable traffic levels which can be accommodated by the available infrastructure? Is the farm entrance (existing or proposed) suitable for the proposed use?
- f) Will the proposed use require an adequate supply of potable water for its operation and is the water supply available?
- g) Will the proposed use require on-site sewage disposal for its operation and are adequate services currently available or able to be installed?

e) **Zoning**

On-farm Diversified Uses that are directly related to agriculture, such as agri-tourism uses, value-added uses (food processing, cidery, meadery, winery, and micro-brewery) are permitted without further approval under the *Planning Act*, provided that the farm owner can demonstrate that appropriate servicing is available (to the satisfaction of the Township's Chief Building Official or Peterborough Public Health).

In those instances where an existing On-farm Diversified Use is proposed to be expanded to a scale that exceeds the requirements of the provisions of the applicable Agricultural (A) Zone or Rural (RU) Zone, the Township's Committee of Adjustment may authorize a minor variance from the provisions of the Zoning By-law, provided the Planning Act requirements are met and meets the intent of the Province's *Guidelines for Permitted Uses in Prime Agricultural Areas*, as may be amended from time to time.

The Municipality may, from time to time, utilize by-laws, regulations and permitting, authorized by the *Municipal Act, 2001* to assist in the effective management of On-farm Diversified Uses.

f) Administration

This policy shall be administered by the Zoning Administrator, based on advice from the CBO, Fire Chief, Local Health Unit, road authority having jurisdiction, planning administrator/planning consultant, or other qualified person, in consultation with representatives of OMAFRA where appropriate.

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 should 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 in a designation other than the Hamlet designation, or where more than five lots (five severed and one retained) are to be created in the Hamlet designation (including previous severances); or
- (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 sanitary sewers, including communal servicing, and/or stormwater management facilities) 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.

4.1.3 Number of New Lots and Determination of Land Holding

For all designations other than the Hamlet, Commercial and Employment Areas designations, a holding is defined as being a legal parcel of land as it existed 10 years prior to the date of application

In the Hamlet, Commercial and Employment Areas designations, a holding is a parcel of land recorded as a separate parcel in the Land Registry Office as of the date of approval of this Official Plan.

The maximum number of new lots created by consent per land holding in all designations shall be as follows:

- (a) In all designations other than the Hamlet, Rural and Agricultural designations: three (3) new lots plus one (1) retained parcel;
- (b) In the Hamlet designation: five (5) new lots plus one (1) retained parcel;
- (c) In the Rural designation: two (2) new lots and one (1) retained parcel;

- (d) In the Agricultural designation, severances shall only be permitted in accordance with Section 4.2.4;
- (e) In the Commercial and Employment Areas designations, severances shall be permitted in accordance with Section 4.2.1(w).

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) A severance to create a new lot on an island shall only be permitted in the Shoreline designation, in accordance with Section 5.4.8 of this Plan.
- (c) 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.
- (d) 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.
- (e) Consents for easements shall generally be preferred to consent for severance where linear rights-of-way are being created.
- (f) 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. The maximum number of new lots created shall be in accordance with Section 4.1.3.
- (g) An application for a severance should not be granted where such severance would result in a demand for the extension of municipal services.
- (h) An application for severance involving merged properties which formerly existed as separate and distinct parcels and that inadvertently merged due to common ownership may be separated to reflect the original lot configuration provided the subject property is

still in the same ownership as when such merging occurred, new or additional lots are not being created, and the severance complies with all other policies of this Plan.

- (i) An application for a severance shall not be granted where the proposed consent would contravene the Minimum Distance Separation formula requirements, subject to the policies of this Plan.
- (j) 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 Sections 3.7 and 5.11.
- (k) An application for a severance in or adjacent to the Aggregate Resource designation shall be in accordance with the policies of Sections 3.8.12 and 5.7.7 of this Plan. The determination of “adjacent to” shall be as set out in Section 3.8.12.
- (l) 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.
- (m) An application for a severance shall comply with the relevant provisions of Section 3.0, General Development Policies, of this Plan.
- (n) 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 and/or retained parcels;
 - (iii) agreements or 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;
 - (vi) payment of all applicable development charges, dedications, and cash-in lieu of parkland; and

(vii) an agreement under Sections 51(26) and 53(12) of the *Planning Act*.

(o) 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.

(p) 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.

(q) The size and shape of any parcel of land created by severance (including the retained parcel) should be appropriate for the proposed use and the services available.

(r) 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*.

(s) 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. Section 4.2.2(a) shall apply to any new lot in the Hamlets of Stewart Hall and Keene, and Section 4.2.2(b) shall apply where more than three new severed lots are proposed for a holding in the Hamlet designation.

(t) 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.

(u) Residential lot severances may be permitted in the Rural designation, subject to the policies of Section 4.2.3.

(v) The creation of new residential lots in the Agricultural designation shall not be permitted, except in accordance with Section 4.2.4(c).

(w) In order to provide maximum flexibility for land development in the Commercial and Employment Areas designations, land severances in these designations shall be encouraged. Any lot creation, either by consent or plan of subdivision/condominium, must also conform to all other applicable policies of this Plan.

(x) Severances may be subject to road widenings, as provided in Section 7.7 of this Plan.

(y) An application for severance within an identified vulnerable area shall be accompanied by a Notice under Section 59(2) of the Clean Water Act, 2006, as amended, and must conform to the policies of Section 3.2.2 where applicable.

4.2.2 Special Consent Policies for the Hamlet Designation

- (a) In the Hamlets of Stewart Hall and Keene, the Municipality may require the preparation of a study by a qualified professional to assess the feasibility of connecting to the existing municipal water services, regardless of the number of new lots being created, where deemed appropriate by Council.
- (b) Where more than three new severed residential lots are proposed for a holding in the Hamlet designation in accordance with the policies of Section 4.1.3(b), a hydrogeological assessment shall be prepared by a qualified professional to the satisfaction of the Municipality, where deemed appropriate by Council, to confirm if an adequate supply of potable water is available for each new lot from individual on-site water services, and if each new lot is suitable for individual on-site sewage services.

4.2.3 Special Severance Policies for the Rural Designation

The following special policies shall apply to applications for severance in the Rural designation:

(a) General

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

(b) More Than One Land Use Designation on a Property

In circumstances where there is more than one land use designation on a property, for example Rural and Shoreline, or Rural and Hamlet, Section 4.2.3 shall only apply to the portion of the lot that is designated Rural. The severance policies for the other designations will be applied independently of the Rural severance policies, subject to the limitation on total severances per holding as set out in Section 4.1.3 of this Plan, as it applies to each designation on the subject lands.

(c) Preferred Locations for Residential Lots Created by Consent

An application for consent for a residential lot will be encouraged to locate:

- (i) as infilling;
- (ii) adjacent to an existing developed lot(s), or vacant lot created for a residential purpose;
- (iii) adjacent to an existing lot line/boundary;

- (iv) on lands which are not low-lying nor exhibit poor drainage conditions; and
- (v) on lands which are unsuitable for agricultural production.

(d) Residential Lot Sizes

A lot created by severance for residential purposes should generally not exceed 4,000 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.

(e) Consents for Agricultural Uses, Agricultural-Related Uses, and a Residence Surplus to a Farming Operation

It is the intent of this Plan to discourage the fragmentation of land holdings within the Rural designation, and, where possible, to maintain lots of an adequate size for agricultural uses that are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

Lot creation in the Rural designation for agricultural uses, agricultural-related uses, and a residence surplus to a farming operation in the circumstances described in paragraph (iii) below, shall only be permitted in accordance with the following policies:

- (i) Where the application is for agricultural uses as defined in Section 1.5 of this Plan, both the severed and retained parcels shall have an area of 36 hectares or larger.

Notwithstanding the above policy, Council may consider an application for consent for an agriculture use where the severed and/or retained parcel is less than 36 hectares only when Council is satisfied that:

- The severed or retained parcel that will be less than 36 hectares is to be merged with an existing farm operation as part of a farm consolidation, and no new building lot is being created; or
- The general purpose and intent of this policy is maintained to Council's satisfaction.

- (ii) Where the application is for agriculture-related uses as defined in Section 1.5 of this Plan, any new lot created will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

(iii) Where a lot has received the maximum permitted consents as of the date of approval of this Official Plan and does not qualify for any additional consents under Section 4.1.3(c) of this Plan concerning the number of new lots permitted by consent in the Rural land use designation, one additional lot may be created for an application for a residence surplus to a farming operation, as defined in Section 1.5 of this Plan, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. This shall generally be achieved through a zoning by-law amendment for the remnant parcel and a merger agreement where required by Council. The new lot (the lot containing the surplus dwelling) will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

4.2.4 Special Severance Policies for the Agricultural Designation

Notwithstanding any other provision of this Plan, lot creation in the Agricultural designation is discouraged and may only be permitted for the following:

- (a) The application is for agricultural uses as defined in Section 1.5 of this Plan and both the severed and retained parcels have an area of 36 hectares or larger.
- (b) The application is for agriculture-related uses as defined in Section 1.5 of this Plan, and provided that any new lot created will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.
- (c) The application is for a residence surplus to a farming operation as defined in Section 1.5 of this Plan, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. This shall generally be achieved through a zoning by-law amendment for the remnant parcel and a merger agreement where required by Council. The new lot (the lot containing the surplus dwelling) will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.
- (d) The application is for infrastructure, as defined in Section 1.5 of this Plan, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

Lot adjustments in the Agricultural designation may be permitted for legal or technical reasons. For the purposes of this policy, “legal or technical reasons” means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

The creation of new residential lots in the Agricultural designation shall not be permitted, except in accordance with Section 4.2.4(c) above.

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, and in accordance with the applicable policies of this Plan.

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.

4.3.12 Development applications within an identified vulnerable area shall be accompanied by a Notice under Section 59(2) of the Clean Water Act, 2006, as amended, and must conform to the policies of Section 3.2.2 where applicable.

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

Two areas of the Township that are adjacent to the City of Peterborough are included within the “Urban Fringe Area” on Schedule “A” of this Plan, and are subject to the provisions of Section 5.1.2. Both of these areas are located in the Otonabee Ward and generally include:

- (a) The lands north of Assumption Road and west of Keene Road, in the vicinity of the Hamlets of Coldsprings and Assumption, comprising the lands within Lots 22 to 25 in Concessions 12, 13 and 14, and adjacent road allowances within the Township; and
- (b) The lands north of Highway No. 7 and west of Burnham Line (excluding Mark S. Burnham Provincial Park), in the vicinity of the Hamlet of Donwood, comprising Lots 28 to 32 in Concession 11, and adjacent road allowances within the Township.

For lands within the Urban Fringe Area as described above and shown on Schedule “A” of this Plan, all of the land use designations on Schedule “A” and the corresponding policies of the land use designations, and all other applicable policies of the Official Plan, shall apply to land use and development. Any application 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.

In addition to the above general policy for the Urban Fringe Areas, the Township recognizes two joint City of Peterborough/Township of Otonabee-South Monaghan planning initiatives in the vicinity of the Hamlets of Coldsprings and Assumption. These include:

- (a) Long-term protection of an east-west transportation corridor as depicted in the “Coldsprings Transportation Study – City of Peterborough, Final Report – May 2008” by Earth Tech Canada, and as shown on Schedule “C” of this Plan; and
- (b) The reservation of a future industrial development opportunity capable of being serviced from the City for the long-term economic interests of the Township of Otonabee-South Monaghan and the Greater Peterborough Area.

It is the intent of the Township of Otonabee-South Monaghan to recognize the interests of the Township of Otonabee-South Monaghan and the City of Peterborough in the long-term protection of an east-west transportation corridor as depicted in the “Coldsprings Transportation Study Final Report,” dated May 2008, by Earth Tech Canada. In this regard, the Township will review land use and development proposals within the Coldsprings/Assumption Urban Fringe Area with the City of Peterborough and have regard to the comments of the City.

It is the intent of the Township of Otonabee-South Monaghan to proceed with a planning process, in consultation with the City of Peterborough and the County of Peterborough, to identify lands within the general Coldsprings/Assumption Urban Fringe Area for a serviced industrial park within the Township, with municipal services being extended from the City to service the industrial lands.

5.2 HAMLET

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

- Keene
- Lang
- Stewart Hall
- Woodview
- Indian River
- Assumption
- Bailieboro
- Fraserville
- South Monaghan
- 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. New lot creation by consent shall be permitted in accordance with the policies of Section 4.0 (Land Division Policies).

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.

Provisions shall be made in the appropriate locations to integrate new pedestrian pathways and sidewalks into existing or planned pedestrian and trail networks for the purposes of increasing active transportation (as defined in Section 1.5).

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 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 or 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.

(c) Secondary Dwelling Units

Two (2) secondary dwelling units per lot may be permitted as ancillary to single detached, semi-detached, or row housing dwelling units in the Hamlet designation, subject to Section 3.13.3 of this Plan, appropriate zoning provisions and sewage treatment facilities. Of those two (2) secondary dwelling units per lot, no more than one (1) secondary dwelling unit may be located in a detached accessory structure, and no more than one (1) secondary dwelling unit may be located within the same structure as the principal dwelling unit.

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, electronics sales and service 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 discouraged in Hamlet areas and shall only be permitted subject to an amendment to the Zoning By-law.

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) and Cannabis Production and Processing 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 wetlands/watercourses and flood and erosion susceptible lands in a Hamlet be designated as Environmental Protection or be subject to Special Policies as set out in Section 5.2 of this Plan. 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. This policy applies to the entire Hamlet of Keene.

(b) New Development

To enhance the unique character of Keene, preference for any new development will be given to projects which replicate the period of the heritage buildings and which are architecturally compatible with them. Buildings which combine stores, craft workshops or other commercial activities with housing will be encouraged. This policy applies to the entire Hamlet of Keene.

(c) Special Policy Area

The Special Policy Area policies apply to only the portion of the lands within in the Hamlet of Keene as identified as Special Policy Area 5.2.10 (c) on Map 12 of Schedule A of this Plan as follows.

(i) Environmental Constraints

These areas of the Hamlet include lands that may be subject to environmental constraints. The Municipality, in consultation with the Conservation Authority, may require the preparation of an Environmental Impact Study and/or floodplain mapping by property owners/applicants on a site

by-site basis for planning application.

(iii) Development Policies for Special Policy Area

Development within the Special Policy Area identified within the Hamlet of Keene may be permitted without an amendment to this Plan, subject to the policies under the provisions of Section 3.7.3 of this Plan and only after written approval has been obtained from the Conservation Authority.

It is recognized that there may be certain areas within the Special Policy Area identified on Map 12 of Schedule A in the Hamlet of Keene where applications for development may not be approved due to the nature and extent of natural hazards.

(iii) Conservation Authority Regulations within Special Policy Area

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 *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*.

(iv) Zoning within Special Policy Area

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

5.2.11 Special Policies for Lang

(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. This policy applies to the entire Hamlet of Lang.

(b) New Development

To enhance the unique character of Lang, preference for any new development will be given to projects which replicate the period of the heritage buildings and which are architecturally compatible with them. Buildings which combine stores, craft workshops or other commercial activities with housing will be encouraged. This policy applies to the entire Hamlet of Lang.

(c) Special Policy Area

The Special Policy Area policies apply to only the portion of the lands within the Hamlet of Lang as identified as Special Policy Area 5.2.11(c) on Map 5 of Schedule A of this plan as follows:

- (i) 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:

- (a) 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;
- (b) New hazards will not be created and existing hazards will not be aggravated;
- (c) No adverse environmental impacts will result; and
- (d) 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.

(ii) 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 *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*.

(iii) 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 – Part of 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.

5.2.13 Special Policies for Donwood (Burnham Meadows Subdivision)

Notwithstanding Section 5.2.5 of the Official Plan, a village commercial centre located south of Old Norwood Road and east of Television Road in the Donwood Hamlet, having a maximum floor area of 7,933 square metres (85,390 square feet), is permitted as a commercial use generally supplying local commercial needs in the Hamlet in accordance with the policies of Section 5.2, and shall be developed as part of a registered plan of subdivision.

5.2.14 Special Policies for Donwood (2383 Old Norwood Road – 150601000513602)

(a) Definition of Policy Area

The following special land use policies apply to a portion of the lands in the Hamlet of Donwood as identified on Map 1 of Schedule A of this Plan.

(b) Development Policies

Development involving the creation of new lots within the Special Policy Area shall only be permitted subject to confirmation from Township Council and the City of Peterborough that there is sufficient reserve sewage system capacity and sufficient water system capacity available and allocated for any such new development, including financial contributions to the City and the Township as may be applicable. Any lot creation, either by consent or plan of subdivision/condominium, must also conform to all other applicable policies of this Plan.

(c) Zoning

Lands may be placed in a zone category or zoned for their existing or proposed use followed by a Holding symbol until such time as servicing capacity is available and agreements have been entered into with the Township and the City in relation to financial contributions for same.

5.2.15 Special Policies for Woodview

(a) Definition of Policy Area

The following special land use policies apply to a portion of the lands in the Hamlet of Woodview as identified on Schedule A of this Plan. These areas of the Hamlet include lands that may be subject to environmental constraints. The Municipality, in consultation with the Conservation Authority, may require the preparation of an Environmental Impact Study and/or floodplain mapping by property owners/applicants on a site-by-site basis for planning applications.

(b) Development Policies

Development within the Hamlet designation may be permitted without an amendment to this Plan, subject to the policies under the provisions of Section 3.7.3 of this Plan and only after written approval has been obtained from the Conservation Authority.

It is recognized that there may be certain areas within the Special Policy Area identified on Schedule A in Woodview where applications for development may not be approved due to the nature and extent of natural 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 *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses 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.

5.2.16 Special Policies for Stewart Hall

(a) Definition of Policy Area

The following special land use policies apply to a portion of the lands in the Hamlet of Stewart Hall west of Wallace Point Road and south of Hanbridge Road as identified on Schedule A of this

Plan. These areas of the Hamlet include lands that may be susceptible to flooding. There is no detailed floodplain mapping that would accurately define the extent of flood prone lands in the Hamlet of Stewart Hall. The Municipality, in consultation with the Conservation Authority, may require the preparation of floodplain mapping by property owners/applicants on a site-by-site basis for planning applications.

(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. “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 Otonabee 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 Stewart Hall where applications for development may not be approved due to the nature and extent of flood 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 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses 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.

5.3 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. Home occupations, home industries, bed and breakfast establishments within a single detached dwelling, open space and recreational uses, and compatible accessory uses shall also be permitted.

Two (2) secondary dwelling units per lot may be permitted as ancillary to single detached or semi-detached dwelling units in the Existing Residential designation, subject to Section 3.13.3 of this Plan, appropriate zoning provisions and sewage treatment facilities. Of those two (2) secondary dwelling units per lot, no more than one (1) secondary dwelling unit may be located in a detached accessory structure, and no more than one (1) secondary dwelling unit may be located within the same structure as the principal dwelling unit

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) and Cannabis Production and Processing 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 contiguous to the shoreline of Rice Lake and the Otonabee River, used for shoreline-oriented residential and tourist commercial purposes, and which are functionally related to these shoreline areas.

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 (seasonal) 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.

Park model trailers and other recreational vehicles shall not be considered as or permitted to be used as permanent or non-permanent (seasonal) dwellings. Park model trailers shall only be permitted in trailer camps and resort complexes in accordance with Section 5.4.2. Recreational vehicles other than park model trailers shall only be permitted in trailer camps in accordance with Section 5.4.2.

Mobile homes and mobile home parks shall be subject to the provisions of Section 3.20 of this Plan.

(b) Residential Development Policies

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

- (i) New residential development consisting of more than three new lots shall generally take place by registered plan of subdivision or condominium, in accordance with the policies of Sections 4.1.1, 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, for shoreline-oriented residential purposes which are functionally related to the shoreline.
- (ii) Lot creation by consent to sever shall 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 should, wherever feasible, be designed in such a manner as to avoid a linear or strip development pattern adjacent to the shoreline. Development proposals that allow for the clustering of residential uses back from the shoreline areas (a “backshore cluster form of development,” as defined in Section 1.5 this Plan), 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 backshore cluster form of development is proposed by plan of subdivision or vacant land condominium, the following shall apply: There shall be a maximum of 15 lots per development not fronting on the water. A minimum common shoreline frontage shall be held in one continuous parcel of 45 metres or 10 metres for every lot not fronting on the water, whichever is greater. In addition, communal recreational facilities such as a dock for use by the subdivision/vacant land condominium residents on common shoreline frontage shall be provided where appropriate and approved by the authority having jurisdiction for such facilities. Developments requiring a variation from the number of lots or from the common water frontage requirements will require an amendment to this Plan.

- (v) Where a designated area is considered unsuitable for a backshore cluster form of development by the Township, Council may consider a single row of shoreline lots. If such a development pattern is used no additional intensification of the shoreline should be permitted.
- (vi) 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).
- (vii) 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.
- (viii) Shoreline residential development shall comply with the provisions of Section 3.7.3.10 of this Plan (Water Setbacks).
- (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 as approved by 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 or abuts a private road that is not maintained by the Municipality or any other public road authority, or has suitable water access on a navigable waterway only. 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 response 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 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.

(d) Secondary Dwelling Units

Two (2) secondary dwelling units per lot may be permitted as ancillary to a single detached dwelling unit in the Shoreline Residential designation, subject to Section 3.13.3 of this Plan and the applicable zoning provisions. Of those two (2) secondary dwelling units per lot, a maximum of one (1) secondary dwelling unit may be located in a detached accessory structure, and maximum of one (1) secondary dwelling unit may be located within the same structure as the principal dwelling unit.

The secondary dwelling unit may not be located within a building or structure that is located within 30 metres of the high water mark of an adjacent waterbody. Notwithstanding, a secondary unit may be located in an existing single detached dwelling unit located within 30 metres of the high water mark.

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. The use of a park model trailer or any other form of recreational vehicle as a permitted accessory residential use shall be prohibited.

(b) Commercial Development Policies

The following policies shall apply to new commercial development or commercial re-development/expansions in the Shoreline areas:

(i) Policies for Resort Complexes

- A resort complex will consist of a hotel/motel and/or similar commercial accommodation facilities and typically include recreational facilities for three or more of: golf, tennis, other sports facilities, swimming pools, boating, riding, snowmobiling, skiing, trails, etc. Such recreational facilities shall form an integral part of the resort development.
- Notwithstanding any other policy of this plan, the development or redevelopment of a resort complex that includes or introduces park model trailers shall require an amendment to this Plan. The use of park model trailers for permanent year-round habitation or accommodation shall be strictly prohibited, and no park model may be occupied during a time other than an operating season as may be established from time to time by Council under the Trailer Camps/Trailer Parks By-law or other regulator by-law.
- 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.
- A resort complex may be developed or expanded in one or more phases. Where development is proposed to proceed in phases, recreational facilities should be planned, constructed and operational in conjunction with the initial phase unless determined otherwise by Council. A Holding provision in accordance with Section 8.4 of this Plan may be applied to achieve orderly phased development.
- 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 or a resort complex.
- A tourist establishment may be developed or expanded in one or more phases. A Holding provision in accordance with Section 8.4 of this Plan may be applied to achieve orderly phased development.

- 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, tourist vehicles, or park model trailers.
- The use of mobile homes, tourist trailers, tourist vehicles, or park model trailers 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.
- A trailer camp may be developed or expanded in one or more phases. A Holding provision in accordance with Section 8.4 of this Plan may be applied to achieve orderly phased development.
- Trailer camps shall 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, small scale 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.

(c) Conversions to Residential Uses

The proposed conversion of any commercial use that is permitted by Section 5.4.2 to a residential use shall be subject to the policies of Section 5.4.1 and any other applicable policy of this Plan.

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.

A severance to create a new lot on an island may be considered in accordance with the policies of Section 4 – Land Division Policies, where both the severed and retained parcels front on a navigable waterway which provides suitable water access, and automobile parking and boat access and storage facilities are provided or are available on the mainland to the satisfaction of the Municipality.

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 Prohibited Uses

Cannabis Production and Processing shall be prohibited in the Shoreline designation.

5.4.11 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.

5.4.12 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.

5.4.13 Special Policy Area - Lots 9 and Lot 10, Concessions 4 & 5, Otonabee Ward

Notwithstanding the provision of Section 5.4.2 and any other provision of this Plan to the contrary, the following special policies shall apply to the lands affected by Section 5.4.12 as identified on Schedule “A” of this Plan, located in part of Lots 9 and Lot 10, Concessions 4 and 5, Otonabee Ward.

(a) In addition to the uses permitted by Section 5.4.2 of this Plan, the lands affected by Section 5.4.12 may be used for a trailer camp for the temporary (seasonal) accommodation of park model trailers (CSA Z-241) and rental cabins for occasional occupation by visitors, and related uses such as facilities for a resort centre with a camp store, café, office, fitness facilities, vacation rentals sign-in, and one accessory dwelling unit, and a recreation area and recreation facilities.

For the purposes of Section 5.4.12, “temporary (seasonal) accommodation” shall be subject to the following restrictions and regulations:

(i) No person shall operate or permit a trailer camp to be operated except in accordance with the regulations and performance standards set out in a municipal regulatory by-law for trailer camps/trailer parks; and

(ii) no person shall occupy or be present in a trailer camp or in a park model trailer or *rental cabin* located therein for any length of time except during the trailer camp’s operating season as may be set out in a municipal regulatory by-law for trailer camps/trailer parks.

(b) Under no circumstances shall any trailer camp site or any park model trailer or *rental cabin* be used for permanent year-round human habitation or occupancy, or be converted from seasonal occupancy to permanent year-round occupancy.

- (c) The lands that are subject to Section 5.4.12 shall not be used or occupied by a mobile home or any other building or structure that is intended to be used for permanent (year-round) human habitation, other than one accessory dwelling or dwelling unit that is specifically permitted by the implementing Zoning By-law.
- (d) Lands affected by Section 5.4.12 shall be serviced by private communal water services and private communal sewage services. All such services and related infrastructure shall be constructed and maintained in accordance with standards acceptable to the applicable government agencies and/or ministries.
- (e) It is the policy of this Plan that the private communal water services and private communal sewage services shall be owned, operated and maintained by the owner of the lands affected by Section 5.4.12. Under no circumstances shall the Municipality assume responsibility for, or ownership of the private communal water and/or private communal sewage services.
- (f) The lands affected by Section 5.4.12 shall be placed in a separate zone category pursuant to Section 34 of the *Planning Act*. Special regulatory provisions for the new zone category shall include matters such as, but not necessarily limited to, the following:
 - Permitted uses:
 - The maximum number of permitted park model trailer sites that may be used for the temporary (seasonal) accommodation of park model trailers (CSA Z-241 Standard). The number shall not exceed 160 sites for park model trailers, plus up to 14 sites (for a total of 174 sites) which may be used for park model trailers or rental cabins for occasional use by visitors. This maximum number of sites shall be identified in the implementing Zoning By-law.
- (g) 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 on a phase by phase basis, and shall include as a minimum the following matters for each phase:
 - A site plan agreement under the provisions of Section 41 of the Planning Act has been approved by the Municipality and registered on title. The Site Plan Agreement shall include the requirement for security fencing around wellheads, protection of the areas identified as having archaeological potential and a storm water management plan acceptable to the Municipality and the Otonabee Region Conservation Authority. A Site Plan Agreement may be implemented based on an approved development phasing plan.

- The Owner has obtained from the Municipality easements for the private water system, pedestrian walkways, internal roads or other works associated with the trailer camp over the unopened road allowance, as may be required.
- An Environmental Compliance Approval (ECA) be issued by the approval authority and a copy provided to the Municipality to permit construction and operation of the private sewage works.
- The owner shall obtain such approvals as may be required for the operation of the private water system, including a Permit to Take Water if required under Section 34 of the Ontario Water Resources Act.
- The Owner has prepared an implementation plan for wellhead protection measures as outlined in the Hydrogeological and Servicing Assessment, Oakridge Environmental Ltd., November 2012, including an easement arrangement to ensure no fuels or chemicals are stored within 15 metres of the wellhead area and no application of fertilizers or pesticides within 30 metres of the wellhead area.
- The owner has registered the development with the Ministry of Natural Resources and Forestry (MNRF) in accordance with the applicable regulations under the Endangered Species Act, 2007 for Bobolink and Eastern Meadowlark Habitat and has provided proof of registration to the Municipality. The owner shall be responsible for ensuring implementation of the development activities are in compliance with the applicable regulation.

(OPA No.2 Loucks RV Resort-. Effective June 9th, 2016)

5.4.14 Special Policy Area – Bellmere Winds Resort - Lots 12, 13 & 14, Concession 2 Otonabee Ward

Notwithstanding the provisions of Section 5.4.2(b) and any other provision of this Plan to the contrary, the following policies shall apply to the Bellmere Winds (Phase 2) Resort located in part of Lots 12, 13 and 14, Concession 2, Otonabee Ward:

- (a) The permitted uses shall be limited to a Resort Complex in accordance with Section 5.4.2(b)(i), including up to 251 park model trailer sites located in the northern part of the subject property in Lot 14, Concession 2, and related facilities including a golf course, a link/cart path network, club house and owners' discovery centre, recreational uses, and related facilities. The club house facility may include recreational facilities and amenities such as a gymnasium, laundry facilities and a café.
- (b) The use of park model trailers for permanent year-round habitation or accommodation shall be prohibited, and no park model trailer may be occupied during a time other than

an operating season as may be established from time to time by Council under the Trailer Camp/Trailer Parks By-law or other regulating by-law.

- (c) The Bellmere Winds (Phase 2) Resort shall be operated as part of the broader Resort Complex that includes the Bellmere Winds (Phase 1) Resort located in the Shoreline designation in part of Lots 12 and 13, Concession 2, Otonabee Ward.
- (d) Under no circumstances shall this Official Plan or the implementing Zoning By-law be further amended to permit new park model trailer sites or a new phase of park model trailer development in addition to the Bellmere Winds “Phase 2” Resort Complex development.”

(OPA No.1 Bellmere Winds Resort Phase 2. Effective October 13th, 2016)

5.4.15 Special Policy Area – Part of Lot 11, Concession A, Otonabee Ward – 576 Foley Road

Notwithstanding Section 5.4.1 and any other policies of this Plan to the contrary, on lands located in part of Lot 11, Concession 4, Otonabee Ward, and identified on Schedule “A”, a maximum of two (2) backlot severances shall be permitted, subject to the policies of this Plan and the provisions of the implementing Zoning By-law

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, service 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. Accessory residential uses shall be subject to Section 5.5.2 of this Plan.

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 property unless otherwise permitted in the Zoning By-law. 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/service centres, gas bars, motor vehicle repair garages or motor vehicle car washes.

5.5.3 Location

Commercial uses should be located adjacent to County roads, Provincial Highways and publically maintained Township roads; shall be located in accordance with Schedule "A" of this Plan; and shall be subject to the provisions of Section 7 of this Plan.

5.5.4 Development Patterns on Highway No. 7

The commercial designation indicates the preferred location of commercial uses designed, in general, to serve the travelling public, especially those travelling through the Municipality.

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 mainly due to vehicular access and/or environmental constraints.

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 and pedestrians to and from the site, and within the site, having regard to both new and existing development;
- (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, the County of Peterborough, or the Township;
- (e) Landscaping, including the location and dimensions of signs, should be provided to ensure visibility and enhance the aesthetics of the site, and to promote visual compatibility with adjacent properties. Fencing may be required for safety and security purposes;
- (f) 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;
- (g) 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;
- (h) 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. If direct access onto a County or Township road is necessary, access shall be subject to the requirements of the County or Township; and
- (i) 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 subject to the provisions 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 Sections 3.2 and 3.3 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 Prohibited Uses

Cannabis Production and Processing shall be prohibited in the Commercial designation.

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

Notwithstanding the provisions of Section 5.5 and any other provision of this Plan to the contrary, the following special policies shall apply to the lands affected by Section 5.5.11 as identified on Schedule "A" of this Plan, located in part of Lot 26, Concession 11, Otonabee Ward:

In addition to the uses outlined in Section 5.5.1 of this plan, a bulk storage of propane facility shall be permitted on the Subject Property and shall operate in conjunction with a water storage pond located on the adjacent lands subject to Section 5.5.12. The maximum volume of all fixed

and transient propane storage on the Subject Property shall be limited to 215,440 US water gallon (“USWG”) equivalents as set out in an approved Risk and Safety Management Plan (“RSMP”) completed in accordance with the Technical Standards and Safety Association (“TSSA”). The maximum volume of propane shall be contained in bulk storage tanks, delivery trucks and a retail propane dispenser with a combined maximum design capacity of 269,300 USWG equivalents.

The zoning by-law for the Subject Property shall provide specific regulations to limit the overall size of all tanks used for fixed and transient propane storage to 269,300 USWG equivalents, to provide a limit on the number and size of large fixed bulk storage of propane tanks and delivery vehicles. The bylaw shall allow for an accessory fire control building to be located within 30 metres of the watercourse located on the adjacent property, developed with a water storage pond built for fire suppression purposes of the bulk storage of propane facility on the Subject Property. In addition, the zoning bylaw shall limit the outdoor storage of tested empty propane tanks and cylinders and/or never been in service propane tanks and cylinders for delivery and use off-site in the rear yard only of the Subject Property.

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

Notwithstanding the provisions of Section 5.5 and any other provision of this Plan to the contrary, the following special policies shall apply to the lands affected by Section 5.5.12 as identified on Schedule “A” of this Plan, located in part of Lot 26, Concession 11, Otonabee Ward:

In addition to the uses otherwise permitted by this Plan, a water storage pond and underground and servicing connections between the pond and a bulk storage of propane facility on the adjacent lands subject to Section 5.5.11 shall be permitted on the lands subject to this subsection. The water storage pond is to be used in conjunction with the bulk storage of propane facility for the purposes of emergency fire suppression.

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, drycleaning establishments, equipment sales and rentals, motor vehicle repair garage, motor vehicle body shop, agricultural uses and agriculturally-related industry, sawmills, contractors yards, recycling and/or transfer facilities handling non-hazardous or non-toxic materials only within a fully enclosed building, public works yards, a business office accessory to a permitted use, a retail and wholesale outlet accessory to a permitted use, and similar uses. All Cannabis Production and Processing is subject to the site development requirements in Section 3.8.13 of the Official Plan.

(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.

5.6.3 Site Development Considerations

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) The location of buildings and well-defined driveways and parking and loading areas should promote safe and efficient movement of vehicles and pedestrians to and from the site, and within the site, having regard to both new and existing development;
- (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) Landscaping, including the location and dimensions of signs, should be provided to ensure visibility and enhance the aesthetics of the site, and to promote visual compatibility with adjacent properties. Fencing may be required for safety and security purposes;
- (e) 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
- (f) 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.

5.6.4 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.

5.6.5 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.

5.6.6 Site Development Requirements

In addition to Site Development Considerations set out in Section 5.6.3, to ensure the proper development on lots in Employment Areas, development shall comply with the relevant policies of Section 3.8 of this Plan.

5.6.7 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.

5.6.8 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 subject to the provisions 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 Sections 3.2 and 3.3 of this Plan; and
- (g) provision of interior street design and possible exterior street improvement and realignment.

5.6.9 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.

5.6.10 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.

5.6.11 Special Policy Area – Part of Lot 25, Concession 10, Otonabee Ward (Johnstons)

In addition to the permitted uses contained in 5.6.1, as residential use in the form of one (1) single detached dwelling on the lot A, created by consent shall be permitted

Notwithstanding 4.1.2 (e), only one (1) new lot created by consent to support the foregoing, residential uses, as of the date of the Official Plan, shall be permitted

The permitted severed lot will have a Maximum Lot Area of 4.41 hectares (10.90 acres)

A Site Development Plan identified in 5.6.3 shall no be required.

5.7 AGGREGATE RESOURCE

5.7.1 Definitions

For the purposes of this Section the following definitions shall apply:

“Mineral aggregate resources” means gravel, sand, clay, earth, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*. For the purposes of this Plan, vermiculite shall be deemed to be a “mineral aggregate resource.”

“Mineral aggregate operation” means the extraction of mineral aggregate resources and related activities, and includes:

- (a) Lands under licence or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto;
- (b) Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

5.7.2 Permitted Uses

The uses permitted in the Aggregate Resource designation shall include mineral aggregate operations. 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 Resources designation and will in no way hamper the rehabilitation of these areas for other land uses.

Lands designated as Aggregate Resource may also be used for agricultural, resource management, passive recreation or forestry purposes.

Aggregate Resource areas are identified on Schedule “A”. No new non-aggregate development shall be approved except in accordance with the provisions of Section 3.8.12 of this Plan.

5.7.3 General Policy - Official Plan Schedule

The Aggregate Resource designation on Schedule “A” of this Plan includes lands currently licensed under the *Aggregate Resources Act* for mineral aggregate operations, and lands identified as having known potential for future extraction of sand and gravel or resources.

Schedule “A” of this Plan identifies primary sand and gravel Aggregate Resource areas, which are protected for potential extraction subject to the policies of this Plan. These areas are the identified primary sand and gravel resources in the Township, and have a high potential for extraction due to the quality of mineral aggregate resources and the lack of known significant constraints to extraction.

It is the intent of this Plan that new or expanded mineral aggregate operations locate within the areas identified as Aggregate Resource on Schedule “A”. However, Schedule “A” does not necessarily identify all of the resource areas where extraction may be permitted.

5.7.4 Policies for New or Expanding Mineral Aggregate Operations

An amendment to this Plan shall be required when a new or expanding mineral aggregate operation is proposed on lands that are not designated as Aggregate Resource on Schedule “A.”

The policies of Section 5.7, Section 8.16 (“Amendments to the Official Plan”) and any other applicable policy of this Plan shall be addressed to the satisfaction of Council for the adoption of an amendment to this Plan to permit a new or expanding mineral aggregate operation.

Any application under provincial statute to change, vary, or add to the conditions in an existing licence and/or site plan that proposes to increase the tonnage limit of annual extraction and/or that proposes to extract mineral aggregate resources below the groundwater table, shall comply with the provisions of Section 5.7.5 of this Plan, and the Township shall submit comments to the relevant agency.

Notwithstanding any other provision of this Plan, the demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources in the Municipality or elsewhere.

5.7.5 Township Considerations and Information Requirements

Council shall consider the following matters before a decision is made on an application for an amendment to this Plan and/or for an amendment to the Zoning By-law to permit the

establishment of a new or expanded mineral aggregate operation in the Aggregate Resource designation:

- (a) The extraction of mineral aggregate resources shall be undertaken in a manner that minimizes social and environmental impacts.
- (b) A mineral aggregate operation should be screened from public view to the extent possible, in order to protect the scenic characteristics of the area.
- (c) Regard shall be given to compatibility with existing adjacent land uses that might be affected by a pit or quarry operation. This may be reflected through measures such as extraction setbacks and/or other mitigative techniques such as the use of vegetation or berms to provide screening, restrictions on the location of machinery, the timing of extraction operations, and the location and condition of haul routes. Any mitigative techniques being established should depend on a site-by-site review, having regard to the policies of this Plan. These requirements may be implemented through:
 - (i) conditions on the licence and/or site plan under the *Aggregate Resources Act* at the time of licensing by the Ministry of Natural Resources;
 - (ii) regulations in a site-specific zoning by-law for the property; and
 - (iii) provisions in a development agreement under Section 5.7.6 of this Plan.
- (d) As a general policy, a mineral aggregate operation for a pit should not be established within 300 metres of a sensitive land use. A mineral aggregate operation for a quarry should not be established within 500 metres of a sensitive land use.

Any setbacks not consistent with the above, and/or mitigative techniques being proposed, shall depend on a site-specific review having regard to the policies of this Plan.

- (e) Proposals for mineral aggregate operations shall be evaluated for matters such as, but not limited to, land use compatibility, impacts on groundwater, effects of noise, blasting, dust, and traffic. Recommendations for mitigative techniques shall have regard to subsection c above and to the policies of this Plan.
- (f) A mineral aggregate operation shall not be permitted:
 - (i) in significant wetlands;
 - (ii) in significant habitat of endangered species and threatened species, except in accordance with provincial and federal requirements;
 - (iii) within 30 metres of a river, stream or lake; or
 - (iv) in fish habitat except in accordance with provincial and federal requirements.

- (g) A mineral aggregate operation shall not be permitted in significant Areas of Natural and Scientific Interest (ANSI) or significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- (h) A mineral aggregate operation shall not be permitted on lands adjacent to the following natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. For the purposes of this policy, the determination of “adjacent lands” shall be as follows:
 - (i) within 120 metres of a significant wetland;
 - (ii) within 120 metres of a significant Area of Natural and Scientific Interest (ANSI) (Life Science);
 - (iii) within 50 metres of a significant Area of Natural and Scientific Interest (ANSI) (Earth Science); and
 - (iv) within 120 metres of significant wildlife habitat.
- (i) All mineral aggregate operations must satisfy the requirements of the authority having jurisdiction as to water supply and groundwater pumping, and waste water disposal.
- (j) All mineral aggregate operations must satisfy the requirements of the Ministry of the Environment and/or By-laws of the Municipality as to the control of dust, noise and vibration.
- (k) All mineral aggregate operations shall satisfy the requirements of the *Aggregate Resources Act* as to licensing and regulation.
- (l) The establishment of all new or expanded mineral aggregate operations on lands designated under the *Aggregate Resources Act* shall be in accordance with the applicable provisions of the “Aggregate Resources of Ontario – Provincial Standards” document of the Province of Ontario, except where determined by the Ministry of Natural Resources.
- (m) Haul routes and the traffic generated by the proposed mineral aggregate operation shall be considered through the preparation of a traffic impact assessment. A traffic impact assessment shall be undertaken by the applicant and shall be acceptable to the Municipality and any other authority having jurisdiction, such as the County of Peterborough and the Ministry of Transportation. The traffic impact study shall address, but shall not necessarily be limited to, the projected volume of traffic related to the proposed mineral aggregate operation and existing mineral aggregate operations (whether active or not) using the same haul routes, the physical suitability of the haul routes for truck traffic, the nature and volume of existing traffic on the haul routes, requirements for improvements to the haul routes, the location and design of a safe entrance(s), and community impacts and safety.

(n) Progressive rehabilitation and final rehabilitation of mineral aggregate operations shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Comprehensive rehabilitation planning (as defined in Section 1.5 of this Plan) is encouraged where there is a concentration of mineral aggregate operations. The proposed use of the rehabilitated lands shall be compatible with the adjacent land use designations on Schedule “A” of this Plan. Plans for the rehabilitation of the site shall be acceptable to the Township.

(o) A proposed mineral aggregate resource operation within 500 metres of an active or former waste disposal site shown on Schedule “A” shall address the applicable policies of Section 5.12 (“Waste Disposal”) of this Plan.

(p) The application shall address the policies of Section 3.7.3, “Protection of Environment/Natural Heritage” and in particular Section 3.7.3.3, to Council’s satisfaction.

(q) An application for an amendment to this Plan and/or the Township’s Comprehensive Zoning By-law to permit the establishment of a new mineral aggregate operation or the expansion of an existing operation under the *Aggregate Resources Act* shall be accompanied by detailed site development plans and reports as listed below or as required by other sections of this Plan. Site plans required by the *Aggregate Resources Act* are acceptable for the purposes of this policy.

The following Site Plans and reports shall be required, where determined appropriate, by Council in consultation with the appropriate agency:

(i) Site Plans including:

- existing features and land uses on and within 120 metres of the site
- operations and phasing
- progressive rehabilitation
- final rehabilitation
- cross-sections of the operation

(ii) a hydrogeological report to address the potential for adverse effects of the mineral aggregate operation on groundwater and surface water resources and their uses;

(v) an Environmental Impact Study (EIS) in accordance with Section 3.7.3;

(vi) a traffic impact study, which shall address the matters of Section 5.7.5(m);

(vii) a noise (acoustical) impact study;

- (viii) a dust control study;
- (ix) a blasting impact study (as necessary for the type of mineral aggregate operation);
- (x) a cultural heritage and archaeological assessment as required by the appropriate authority having jurisdiction; and
- (xi) any other reports or studies as deemed necessary by Council or any agency having jurisdiction.

All site plans and technical reports required by this Plan shall be prepared by qualified professionals, and shall address applicable policies or procedures such as the Provincial Policy Statement under the *Planning Act* and the provisions of the “Aggregate Resources of Ontario – Provincial Standards” document of the Province of Ontario.

5.7.6 Development Agreements

An applicant who wishes to undertake a mineral aggregate 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) The haul routes to be used and requirements for the improvement and maintenance of the haul routes;
- (b) Road damage caused by the aggregate trucks, particularly damage to public roads at or near the entrance to the pit or quarry site, shall be repaired by the pit/quarry operator and that the Municipality may repair the roads and invoice the said operator accordingly;
- (c) The timing of operations on a daily, weekly and annual basis;
- (d) Arrangements for adequate screening to provide an effective visual buffer between the proposed aggregate operation and any road or surrounding sensitive land use. Such screening shall be established effectively prior to operations of the pit or quarry;
- (e) Provisions for the acceptable discharge of process water from washing or screening operations;
- (f) Issues of public health, public safety and environmental impact; and
- (g) Such other matters as Council may deem necessary and in the public interest.

Council may not require a provision in a Development Agreement when the Municipality is satisfied that the same matter will be addressed in the provincial licensing process under the *Aggregate Resources Act*.

5.7.7 Protection of Mineral Aggregate Resources and Operations

Development (as defined in Section 1.5 of this Plan) on or adjacent to lands designated Aggregate Resource on Schedule “A”, which would preclude or hinder the establishment of new mineral aggregate operations or access to the resources, shall only be permitted if:

- (a) Resource use would not be feasible; or
- (b) The proposed land use or development serves a greater long term public interest; and
- (c) Issues of public health, public safety and environmental impact are addressed.

Existing mineral aggregate operations shall be protected from development and land use 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. The policies of Sections 3.8.12 and 5.7.7 of this Plan shall be considered in this regard.

5.7.8 Rehabilitation of Agricultural Lands

In prime agricultural areas, on prime agricultural land extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition, as defined in Section 1.5 of this Plan.

Complete rehabilitation to an agricultural condition will not be required if:

- (a) Outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of the planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- (b) In a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
- (c) Other alternatives have been considered by the applicant and found unsuitable.
- (d) Agricultural rehabilitation in remaining areas is maximized.

5.7.9 Zoning

Mineral aggregate operations shall be included in a separate zoning classification in the implementing Zoning By-law.

On lands designated Aggregate Resource, an applicant who wishes to expand an existing operation or commence a new operation must obtain an amendment to the Comprehensive Zoning By-law and, where applicable, a licence from the Ministry of Natural Resources.

Concrete batching plants and asphalt plants shall be permitted only in those areas specifically zoned for such uses.

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 related to agriculture that require 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. In addition, On-farm Diversified Uses which contribute to a thriving agricultural industry and rural economy are also permitted, in accordance with the policies of Section 3.29 of this Plan.

In order to ensure that agricultural areas are protected for the long-term, it is important that the working landscape remains economically viable and the agricultural producers within that landscape are supported.

5.8.1 Definition of Agricultural Areas

The Agricultural designation applies to prime agricultural areas, meaning areas where prime agricultural lands predominate. This includes areas of prime agricultural lands (lands that include specialty crop areas and/or Canada Land Inventory Classes 1, 2 and 3 soils) and associated Canada Land Inventory Classes 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture.

The Municipality shall consult with the Ontario Ministry of Agriculture and Food with regard to the identification of prime agricultural areas.

The Agricultural areas described above are delineated on Schedule "A" of this Plan.

The Agricultural designation applies to prime agricultural areas, meaning areas where prime agricultural lands predominate.

5.8.2 Permitted Uses

(a) Agricultural Uses

Agricultural uses shall include the use of land, buildings and structures for operations conducted on a farm, and without limiting the generality of the foregoing, shall include the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and seasonal accommodation for farm labour when the size and nature of the operation requires additional employment. Notwithstanding the above and to protect prime agricultural soils for regional food security, any buildings or structures with cement-based foundations associated with Cannabis Production and Processing shall be limited in ground floor area according to the implementing Zoning By-law. All Cannabis Production and Processing is subject to the Site Development Requirements in Section 3.8.13 of the Official Plan.

All types, sizes and intensities of agricultural uses are encouraged. It is recognised that while larger farm parcels may be best suited for traditional field crops and provide the greatest flexibility in maintaining agricultural viability, smaller farm parcels are often suitable for higher value specialty crops. Types of uses permitted on smaller farm parcels shall be regulated through the provisions of the Zoning By-law.

(b) Agriculture-Related Uses

Agriculture-related uses means those commercial and industrial uses that are directly related to agricultural operations in the area, support agriculture, benefit from being in close proximity to agricultural operations, and provide direct products and/or services to agricultural operations as a primary activity.

Such commercial uses may include retailing of agriculture-related products (farm supply co-ops, farmers' markets, livestock assembly yards, farm equipment repair shops, and retailers of value-added products such as cideries and wineries, where products used are primarily from farms in the area.

Industrial uses such as abattoirs, feed mills, grain dryers, cold/dry produce storage facilities, fertilizer distribution facilities, farm implement dealerships, custom agricultural spraying, and food and beverage processors (e.g. wineries, cheese factories), where products used are primarily from farms in the area.

(c) Agricultural Related Residential Uses

- (i) A maximum of one dwelling shall be a permitted use. Secondary dwelling units may be permitted, subject to the applicable policies of this Plan and the implementing Zoning By-law.
- (ii) A Bed and Breakfast Establishment is a permitted use within a single detached dwelling.
- (iii) A bunkhouse or trailer (excluding a mobile home) shall be permitted for the temporary lodging of seasonal farm labour who are involved in the day-to-day operation of the farm during the growing and harvesting seasons. The establishment of a bunkhouse or trailer for the temporary lodging of seasonal farm labour shall require an amendment to the Zoning By-law.

(iii) Non-Farm Related Residential Uses

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, or for a surplus farm dwelling as the result of a farm consolidation. The Comprehensive Zoning By-law shall outline the specific provisions and regulations that apply.

(iv) On-Farm Diversified Uses

On-farm Diversified Uses may be permitted on a farm property in Prime Agricultural lands that is in active agricultural use. The On-farm Diversified Uses must be secondary to the principal agricultural use of a property, and limited in area. The Use should be related to agriculture, supportive of agriculture, and/or able to coexist with agriculture, without conflict. On-farm Diversified Uses are intended to enable farm operators to diversify and supplement their income, and to accommodate value-added and agri-tourism uses. On-farm Diversified Uses include, but are not limited to, home occupations, Home Industries agri-tourism uses, and uses that produce value-added agricultural products.

On-farm Diversified Uses are uses that are secondary to the principal agricultural use of a property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries agri-tourism uses, and uses that produce value-added agricultural products. There are no requirements for the on-farm diversified use to be directly related to agricultural production. Examples of on-farm diversified uses include, but are not limited to:

1. Value-added uses such as abattoir, bakery, cheese factory, winery, no restriction on products uses or origin;
2. Agri-tourism – bed and breakfast, farm mazes, farm vacations; and limited accommodations provided for visitors participating in experiential activities that promote enjoyment and understanding of agricultural areas;

3. Small-scale micro-brewery, distillery;
4. Commercial use (farm market, antique shop, crafty shop, art studio/gallery, custom-made furniture showroom, tack shop);
5. Industrial uses such as machine repair shop, not limited to repair of agricultural machinery, or other similar uses;
6. Landscaping business;
7. Veterinary clinic;
8. Special event facilities such as farm wedding venues, and educational facilities;
9. Outside display and/or storage accessory to an On-farm Diversified Use, subject to the buffering requirements in the Zoning By-law.

Where a permitted on-farm diversified use may generate additional traffic beyond that which is normally associated with a principal agricultural use of a property, the roads authority having jurisdiction may require a traffic impact assessment.

5.8.3 Minimum Distance Separation Formula

- a) 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.
- b) 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.
- c) Notwithstanding Section 5.8.3 (a) above, MDS I setbacks will generally not be needed for On-farm Diversified Uses where the potential for conflict with existing agricultural operations is limited, in accordance with Section 3.8.10 of this Plan.

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 4.2.4 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.

5.8.12 Special Policy Area – Part of Lot 1, Concession 1, South Monaghan Ward (Town and County Landscaping)

Notwithstanding Section 5.8.2 and any other policies of this Plan to the contrary, on lands located in part of Lot 1, Concession 1, South Monaghan Ward, and identified on Schedule “A”, a landscape business shall be permitted, subject to the policies of this Plan and the provisions of the implementing Zoning By-law.

For the purposes of this Special Policy Area, a Landscape Business shall mean a business that provides off-site lawn maintenance, fertilization, tree removal, retaining walls, roadside maintenance, snow and ice removal, snow plowing services and storage bin rentals. The use may include outdoor storage of equipment but shall not include the storage of salt or stockpiling of landscape material. Land uses within the Special Policy Area shall be subject to Site Plan Control.

5.8.13 Special Policy Area – Part of Lot 16, Concession 14, Otonabee Ward (City Organics Facility- GROW Peterborough)

Notwithstanding Section 5.8.2 and any other policies of this Plan to the contrary, on lands located in part of Lot 16, Concession 14, Otonabee Ward, and identified on Schedule “A”, a facility that accepts and processes leaf and yard waste and source separated organics shall be permitted, subject to the policies of this Plan and the provisions of the implementing Zoning By-law.

Land uses within the Special Policy Area shall be subject to Site Plan Control.

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 prime agricultural lands from incompatible, non-agricultural development.

Non-farm uses can help to support the overall viability and sustainability of rural communities and local economies located outside prime agricultural areas.

On-farm Diversified Uses which enable farm operators to diversify and supplement their farm income, are encouraged on rural farm properties that are actively in agricultural use, provided these uses are compatible with surrounding agricultural operations.

Some rural lands have the potential for limited agricultural use, at a reduced or alternate scale. On rural properties adjacent to existing agricultural and non-residential uses, new agricultural uses may be established at a scale proportionate to the size of the farm parcel, in accordance with the regulations of the Township’s Zoning By-law. In areas adjacent to scattered rural residential

development, small-scale agricultural production may be permitted, provided sufficient mitigation measures are introduced to minimize potential adverse effects.

5.9.1 Definition of Rural Lands

Rural lands are located outside settlement areas and outside prime agricultural areas, as defined by the Province of Ontario.

Rural parcels of land vary in size. The origin of these parcels is not always apparent, although some are clearly remnants of larger parcels, resulting from division of land through the Consent process. Although some of these parcels may be too small to support modern, large-scale agriculture, these parcels can still contribute to the overall sustainability of the rural fabric of the municipality.

The renaissance of smaller mixed farms and specialty farms, including organic and artisanal farms, and farms growing produce for the purposes of value-added production (emu for oil, alpacas for wool, cabbages for sauerkraut) can contribute to the overall rural economy.

5.9.2 Permitted Uses

(a) Agricultural Uses

Agricultural uses shall include the use of land, buildings and structures for operations conducted on a farm, and without limiting the generality of the foregoing, shall include the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and seasonal accommodation for farm labour when the size and nature of the operation requires additional employment. All Cannabis Production and Processing is subject to the site Development Requirements in Section 3.8.13 of the Official Plan

All types, sizes and intensities of agricultural uses are encouraged. It is recognised that while larger farm parcels may be best suited for traditional field crops and provide the greatest flexibility in maintaining agricultural viability, smaller farm parcels are often suitable for higher value specialty crops. Types of uses permitted on smaller farm parcels shall be regulated through the provisions of the Zoning By-law.

(b) Agriculture-Related Uses

Agriculture-related uses means those commercial and industrial uses that are directly related to agricultural operations in the area, support agriculture, benefit from being in close proximity to agricultural operations, and provide direct products and/or services to agricultural operations as a primary activity.

Such commercial uses may include retailing of agriculture-related products (farm supply co-ops, farmers' markets, livestock assembly yards, farm equipment repair shops, and retailers of value-added products such as cideries and wineries, where products used are primarily from farms in the area.

Industrial uses such as abattoirs, feed mills, grain dryers, cold/dry produce storage facilities, fertilizer distribution facilities, farm implement dealerships, custom agricultural spraying, and food and beverage processors (e.g. wineries, cheese factories), where products used are primarily from farms in the area.

(c) Agricultural-Related Residential Uses

- (i) A maximum of one dwelling shall be a permitted use. Secondary dwelling units may be permitted, subject to the applicable policies of this Plan and the implementing Zoning By-law.
- (ii) A Bed and Breakfast Establishment is a permitted use within a single detached dwelling.
- (iii) A bunkhouse or trailer (excluding a mobile home) shall be permitted for the temporary lodging of seasonal farm labour who are involved in the day-to-day operation of the farm during the growing and harvesting seasons. The establishment of a bunkhouse or trailer for the temporary lodging of seasonal farm labour shall require an amendment to the Zoning By-law.

(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 or a surplus farm dwelling. The Comprehensive Zoning By-law shall set out the specific provisions and regulations that apply.

Bed and breakfast establishments will also be permitted within a single detached dwelling on a rural residential lot, subject to all other policies of this Plan and the implementing Zoning By-law regulations.

(e) On-Farm Diversified Uses

On-farm diversified uses are uses that are secondary to the principal agricultural use of a property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural

products. There is no requirement for the on-farm diversified use to be directly related to agricultural production, Examples of on-farm diversified uses include, but are not limited to:

1. Value-added uses such as abattoir, bakery, cheese factory, winery, no restriction products (used or origin);
2. Agri-tourism – bed and breakfast, farm mazes, farm vacations; and limited accommodations provided for visitors participating in experiential activities that promote enjoyment and understanding of rural areas;
3. Small-scale micro-brewery, distillery;
4. Commercial use (farm market, antique shop, crafty shop, art studio/gallery, custom-made furniture showroom, tack shop);
5. Industrial uses such as machine repair shop, not limited to repair of agricultural machinery, and other similar uses;
6. Landscaping business; display of goods (compare with language in home industries);
7. Veterinary clinic;
8. Special events facilities such as farm weddings, and educational facilities

Before an On-farm Diversified Use is established, the Municipality must be satisfied that the criteria outlined in Section 3.29 of this Plan have been satisfied.

(f) Small-Scale Commercial and Industrial Uses

Small-scale commercial and industrial uses serving or related to the rural economy may be permitted on separate lots 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, rural auction operations/facilities, country retail stores, 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

- a) 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.

- b) 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.
- c) Notwithstanding Section 5.9.3 (a) above, MDS I setbacks will generally not be needed for on-farm diversified uses where the potential for conflict with existing agricultural operations is limited, in accordance with Section 3.8.10 of this Plan.

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

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.

5.9.14 Special Policy Area – Part of Lot 30, Concession 11, Geographic Township of Otonabee

For those lands designated “Rural” and described as Part of Lot 30, Concession 11, Geographic Township of Otonabee, as in R396715, except Part 1, Plan 45R15661, Township of Otonabee (bearing Parcel Identified Number 28158-0045 as at the time of the approval of this Special Policy Area) the minimum five-year period between the granting of severances for residential lots from a land holding set out in subsection 4.2.3(b) shall not apply. All other policies of this Plan shall continue to apply to any application(s) for consent for this property.

5.6.15 Special Policy Area – Part of Lot 32, Concession 11, Otonabee Ward (Fontyn)

Notwithstanding the policies of Section 4.1.3 to the contrary, lands located in Part of Lot 32, Concession 11, Otonabee Ward, and identified on Schedule “A”, that have been recorded as a separate parcel in the Land Registry Office as of December 2009, shall be eligible for a maximum of one (1) new lot created by consent plus one (1) retained parcel, in accordance with all other applicable requirements of this Plan.

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. In addition to private lands within this designation, 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.

5.10.6 Special Policy Area – Lot 17, Concession 11, Otonabee Ward

Notwithstanding Section 5.10.1 of this Official Plan, in addition to the uses permitted in Section 5.10.1 an existing single detached dwelling shall be permitted as a principal use on a lot created by consent. For the purpose of this policy, “existing” shall mean existing as of May 2, 2011.

5.11 ENVIRONMENTAL PROTECTION

Lands designated as Environmental Protection on Schedule “A” may include:

- lands with natural hazards including flooding hazard, poor drainage, organic soils, erosion prone soils or steep slopes,
- identified natural features including provincially significant wetlands, other evaluated wetlands and unevaluated wetlands, significant Areas of Natural and Scientific Interest (ANSI), watercourses, fish and wildlife habitat, and other natural areas and features, and
- areas that contain human-made hazards such as contaminated sites.

The environmental values and/or hazards associated with such lands act as constraints for development.

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 agriculture, nursery and market gardening and forestry may be permitted. However, buildings and structures other than those required for conservation purposes shall generally be prohibited. The Conservation Authority and/or the Ministry of Natural Resources shall be consulted regarding proposed buildings and structures. In addition, recreational uses shall only be permitted where they are compatible with adjacent land uses.

5.11.2 Placing and Removal of Fill

The placing or removal of fill and site alteration, whether originating on the site or elsewhere, is not permitted in lands designated as Environmental Protection, unless authorized in writing prior to the commencement of any works, by the Municipality or, where the Conservation Authority’s regulations apply, authorized by the Conservation Authority. Such alterations will not necessarily be granted.

Filling of Environmental Protection lands shall not be permitted for the purpose of creating new developable space/lands 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 local 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 lands, the development of such lands shall be reviewed on the basis of the adjoining land use designation, the policies of Section 3.7.3 of this Plan (Protection of Environment/Natural Heritage), 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 Conservation Authority and/or the Ministry of Natural Resources and any other appropriate agency when considering this matter.

5.11.4 Privately Owned Lands

Where any land designated Environmental Protection is 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.

5.11.5 Application to Re-Designate

An application to re-designate Environmental Protection lands for other purposes may be given due consideration by the Municipality in consultation with the Conservation Authority and/or the Ministry of Natural Resources or other public agency. An application to re-designate must demonstrate that the lands should not be included in the Environmental Protection designation. This is typically done through a study delineating the boundaries of the natural feature or natural hazard. Council shall consider a report containing the following:

- (i) Identification of the limits of the natural hazard or natural heritage feature;
- (ii) A description of the proposed development;
- (iii) An evaluation of the potential impacts to the natural hazard or natural heritage feature;
- (iv) Proposed mitigation measures;
- (v) Compatibility of the proposed use with adjacent/surrounding land use.

There is no municipal or public obligation to re-designate or to purchase any land if there is an existing or potential natural hazard.

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 Flood Susceptible Lands

The boundaries of the Environmental Protection designation have, in some areas, been defined by detailed engineered floodlines prepared or accepted by the local Conservation Authority.

5.11.7.1 Floodplain Policies

Notwithstanding any other provisions of Section 5.11, on existing lots of record within the limits of a floodplain within the Environmental Protection designation, any new development as defined in Section 1.5 shall be subject to the following:

- (i) Uses permitted within the floodplain, as identified by the Environmental Protection designation on Schedule “A”, shall generally be restricted to uses permitted in Section 5.11.1, plus those uses legally existing at the date of approval of this Official Plan.
- (ii) Minor alterations to existing buildings, or replacement or relocation of existing buildings or structures within the floodplain may be permitted only if safe access is achievable and in accordance with Conservation Authority policies.

5.11.8 Provincially Significant Wetlands

Provincially significant wetlands are designated as “Environmental Protection/PSW” on Schedule “A”. The precise boundary of a provincially significant wetland shall be determined in consultation with the Ministry of Natural Resources and/or the Conservation Authority.

In addition to the other policies of Section 5.11 of this Plan, the following policies apply to provincially significant wetlands (PSW) and the lands within 120 metres of them.

5.11.8.1 Development and Site Alteration

Development and site alteration as defined in Section 1.5 of this Plan shall not be permitted in provincially significant wetlands.

Development and site alteration shall not be permitted on adjacent lands (lands within 120 metres) to a significant wetland unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the significant

wetland or on its ecological functions, in accordance with the policies of Section 3.7.3 of this Plan.

A site plan or development agreement may be entered into between the developer and the Municipality to ensure that the recommendations of the Environmental Impact Studies are implemented.

Where areas identified as provincially significant wetlands are determined by the Ministry of Natural Resources and/or the Conservation Authority not to form part of a wetland, development shall be permitted in accordance with the adjacent land use designation. An amendment to the Zoning By-law, however, will be required.

5.11.8.2 Existing Lots of Record

Development may occur on existing lots of record within 120 metres of a provincially significant wetland, in accordance with the policies of the Conservation Authority.

5.11.8.3 Review of Provincially Significant Wetlands

New provincially significant wetlands or revised boundaries of provincially significant wetlands shall be identified on Schedule “A” by amendment to this plan.

Property owners within provincially significant wetlands or within 120 metres of the wetland shall be consulted by the Municipality prior to an amendment to this Plan to identify new or revised provincially significant wetlands. Notice to affected property owners shall be given in accordance with the notice requirements of the *Planning Act*.

5.11.9 Zoning

The Environmental Protection and Environmental Protection/PSW designations shall be zoned in a separate classification in the Zoning By-law.

Building setbacks may be established from the applicable zone boundary based upon the nature of the hazard, the type of permitted abutting use, the need for buffering, and the sensitivity of land features.

Amendments to the Comprehensive Zoning By-law in accordance with Section 5.11.3 of this Plan may be considered without an amendment to this Plan.

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 and 5.12.9 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 and 5.12.9 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.

No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five (25) years from the year in which such land ceased to be used unless the approval of the Minister of the Environment for the proposed use has been given.

5.12.10 Waste Disposal Special Policy Area

In addition to those uses permitted in Section 5.12.1, on those lands in Part Lot 15, Concession 14, of the Otonabee Ward as identified on Schedule “A” – Land Use Plan, a Landfill Gas Electricity Generating Facility shall be permitted as an accessory use to the (active or closed) landfill operation on the site.

SECTION 6 COMMUNITY IMPROVEMENT

6.1 GENERAL

The Community Improvement provisions of the *Planning Act* allow municipalities to prepare community improvement plans for designated community improvement project areas that require community improvement as a result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

This Plan recognizes that a need exists to upgrade the Municipality's physical infrastructure, buildings, recreational facilities and the arrangement of existing land uses, particularly within the designated Hamlets.

The purpose of the Community Improvement policies in this Plan is to provide a comprehensive framework for the designation of community improvement project areas, and the preparation of community improvement plans by the Township that promote the maintenance, rehabilitation, redevelopment and revitalization of the physical, social and economic environment in the Township.

The Township Council is committed to ongoing improvement where deficiencies and/or opportunities exist. This section contains the Township's planning principles, goals and objectives for community improvement, and gives criteria for the selection of areas within the Township for improvement.

6.2 DEFINITIONS

The following definitions shall apply for the purposes of Section 6 of this Plan:

“Community Improvement” means the planning or re-planning, design or redesign, re-subdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a Community Improvement Project Area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary. Community Improvement also includes the provision of affordable housing.

“Community Improvement Plan” means a plan for the community improvement of a Community Improvement Project Area.

“Community Improvement Project Area” means a municipality or an area within a municipality, the community improvement of which in the opinion of the Council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

“Rehabilitation” includes any efforts that result in the productive re-use of lands and/or buildings within the Community Improvement Project Area.

6.3 PLANNING PRINCIPLES, GOALS AND OBJECTIVES

It is generally a goal of this Plan to continue to make the Township an attractive and safe place in which to live, work and visit, and to maintain and improve the economic base of the municipality through the promotion of jobs, new capital investment and increases in the municipal tax base.

6.3.1 Goals for Community Improvement

The following are goals for Community Improvement in the Township:

- (a) To preserve, rehabilitate, and redevelop the existing built environment;
- (b) To maximize the use of existing public infrastructure, facilities and amenities;
- (c) To coordinate private and public community involvement activities;
- (d) To promote development and redevelopment that is sustainable in nature;
- (e) To guide the setting of priorities for municipal expenditures respecting community improvement projects;
- (f) To participate, wherever possible, in Federal and/or Provincial programs to facilitate community improvement; and
- (g) To reconcile existing land use conflicts and minimize future land use conflicts.

6.3.2 Objectives for Community Improvement

The Objectives of the Township are as follows, and Community Improvement Plans may be prepared and adopted by the Township to accomplish one or more of these objectives:

- (a) To improve and upgrade the Township’s built environment and, in particular, to address deficiencies with respect to the residential, commercial, industrial, recreational and community facility uses to:
 - (i) maintain and improve municipal services, including the water distribution system, the sanitary and storm sewer systems, roads, sidewalks, pedestrian pathways, bicycle lanes, trails and/or street lighting, and
 - (ii) maintain and improve the efficiency of the movement of vehicular traffic flow, pedestrian circulation, and parking facilities.

- (b) To encourage the renovation, repair, rehabilitation, redevelopment or other improvement of lands and/or buildings, including environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.
- (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, restoration, adaptive re-use and improvement of historical or architecturally significant buildings.
- (f) To maintain and improve the physical and aesthetic amenities of streetscapes.
- (g) To encourage the development of an adequate supply of affordable housing that meets the needs of local residents.
- (h) To encourage infill, intensification, and redevelopment within existing designated Hamlet areas.
- (i) To promote and encourage the rehabilitation, re-use and redevelopment of brownfield sites, in accordance with other applicable policies of this Plan.
- (j) To encourage the restoration, maintenance, improvement and protection of natural habitat, open space, recreation and heritage facilities and amenities, in accordance with other applicable policies of this Plan.
- (k) To encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, encourage physical improvements to minimize the incompatibility.
- (l) To encourage activities which contribute to and promote a strong economic base and community economic development, including commercial, industrial, recreational, cultural and tourism activity and development, and job creation.
- (m) To improve environmental and social conditions in the Township.
- (n) To improve community quality, safety and stability.

6.4 COMMUNITY IMPROVEMENT PROJECT AREA SELECTION CRITERIA

6.4.1 Designation of Community Improvement Project Areas

The Township may designate one or more Community Improvement Project Areas pursuant to Section 28 of the *Planning Act*, the boundary of which may be part, or all, of the Township.

6.4.2 Selection and Designation Criteria for a Community Improvement Project Area

The selection and designation of a Community Improvement Project Area shall satisfy at least one and preferably more of the following criteria:

- (a) Deficiencies in physical infrastructure including, but not limited to:
 - Sanitary sewer system
 - Storm sewer system
 - Water main system
 - Roads
 - Sidewalks
 - Curbs
 - Streetscapes
 - Street lighting
 - Municipal parking facilities (on-street or off-street)
 - Traffic signals or traffic directional information signs
- (b) A need for new or the upgrading, due to deterioration or deficiencies, of existing recreational facilities or community facilities including public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities and public social facilities, or lands.
- (c) A need to undertake flood proofing or stormwater/drainage management to alleviate situations where a portion of a community lies within a flood susceptible area or has natural drainage characteristics that require improvement.
- (d) An area contains human-made hazards which should be eliminated in order to ensure a greater degree of public safety and to further enhance the community function.
- (e) A deficiency in the amount, variety, affordability and/or quality of housing to meet the needs of the Township's residents.
- (f) A deficiency in traffic circulation or access.
- (g) A shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities.

- (h) Buildings, building facades, and/or properties that are in need of maintenance preservation, restoration, repair, rehabilitation, energy efficiency or renewable energy improvements, or redevelopment, particularly in existing commercial areas.
- (i) Existing non-conforming land uses, conflicting/incompatible land uses or activities that disrupt the planned and/or predominant land use or economic function of the area.
- (j) Known or suspected environmental contamination.
- (k) Commercial areas with high vacancy rates and/or poor visual quality of the built environment, including building facades, streetscapes and public amenity areas and urban design.
- (l) Vacant or under-used lots or blocks or buildings with good potential for development or redevelopment.
- (m) The presence of buildings and/or lands of architectural or heritage significance.
- (n) Other significant barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings.
- (o) Other significant environmental, social or community economic development reasons for community improvement.

6.4.3 Priorities for the Designation of Community Improvement Project Areas

Priority for the designation of Community Improvement Project Areas in accordance with the above criteria and the preparation and adoption of Community Improvement Plans will be given to one or more of the following:

- (a) Existing built-up areas, including but not limited to the designated Hamlet areas of the Township.
- (b) Areas with the greatest number of criteria for the designation of Community Improvement Project Areas, as set out in Section 6.4.2.
- (c) Areas where one or more of the criteria for the designation of Community Improvement Project Areas is particularly acute.
- (d) Areas where one or more of the criteria for the designation of Community Improvement Project Areas exists across the entire Township or a large part of the Township.

6.5 COMMUNITY IMPROVEMENT AREAS

The whole of the Township of Otonabee-South Monaghan is identified as a Community Improvement Area.

It is the intent of this Plan that Community Improvement projects be undertaken 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.

6.6 PHASING OF COMMUNITY IMPROVEMENT

Priorities for the phasing of Community Improvements shall be based on the following considerations:

- (a) To undertake Community Improvements subject to available funding, and to recognize the financial capability of the Township to fund community improvement projects. The Township will take advantage of senior government programs that offer financial assistance for community improvement efforts.
- (b) To permit a logical sequence of improvements to occur when necessary without hardships on area residents and the business community in the Township.
- (c) To implement improvements that will most substantially improve the aesthetic, environmental and service qualities of a community improvement project area.
- (d) To coordinate the timing of related capital expenditures from various municipal departments with departmental priorities.

6.7 IMPLEMENTATION

In implementing this Plan's Community Improvement goals and objectives, the Township may:

- (a) 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 Section 6.4.2.
- (b) Undertake the preparation of Community Improvement Plans and the development of Community Improvement programs pursuant to Section 28 of the *Planning Act*.
- (c) Apply for and use available public financial assistance from federal or provincial government agencies.
- (d) Support heritage conservation and improvement through means available under the *Ontario Heritage Act*.

- (e) Incorporate any other relevant municipal programs into the Community Improvement Plan.
- (f) Encourage the participation of the private sector in the implementation of the Community Improvement Plan, and encourage private initiatives regarding the rehabilitation, redevelopment, conversion and environmental remediation of lands and/or buildings and, where appropriate, support infill development and redevelopment.
- (g) Support and encourage the participation of local community groups, service clubs, ratepayer associations and other public organizations in the implementation of the Community Improvement Plan.
- (h) Acquire, improve or dispose of land and/or buildings in a designated area in accordance with the Community Improvement Plan.
- (i) Develop and enforce a Property Standards By-law pursuant to the provisions of Section 15.1 of the *Building Code Act* and Section 8.6 of this Plan, and enforcement of the Township's Comprehensive Zoning By-law.
- (j) Consult with the Conservation Authority or other agency in circumstances involving natural hazards (e.g., flooding and erosion), natural heritage, water quality and quantity, and stormwater management.
- (k) Prepare a Municipal Housing Statement.
- (l) Establish programs and measures to promote energy efficient development, redevelopment and retrofit projects.
- (m) Provide public funds such as grants and loans to owners and tenants of land and buildings and their assignees.
- (n) Provide information on municipal initiatives, financial assistance programs, and other government assistance programs.
- (o) Coordinate streetscaping improvements with the installation/upgrading of municipal services, for example water/sewer installation, and road and sidewalk reconstruction.

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. The Lang-Hastings Trail provides active transportation and recreation opportunities to residents and visitors and is shown on Schedule C of this Plan.

7.2 TRANSPORTATION PLAN

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

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

7.3 INTERPRETATION OF TRANSPORTATION PLAN

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

7.4 FUNCTIONAL CLASSIFICATIONS

The Transportation 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, Highway 28, and the proposed Peterborough By-pass as shown on Schedule "C" of this Plan 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.

The proposed Television Road re-alignment to County Road No. 4 in Donwood is shown on Schedule "C" of this Plan.

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 Other Roads

“Other roads” are roads that are within another jurisdiction such as Television Road and Driscoll Road as City of Peterborough roads and the roads within the Hiawatha First Nation, which show on an Official Plan map but are technically outside of the Township’s jurisdiction. Access to other roads is subject to the requirements or policies of the authority having jurisdiction.

7.4.5 Private Roads

Private roads are rights-of-way or laneways or roads in plans of condominium 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 and/or the owner of the right-of-way. 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.

7.4.6 Lang-Hastings Trail

The Lang-Hastings Trail is a part of the TransCanada Trail which has been developed on the abandoned Canadian National Railway rail bed in the Township of Asphodel-Norwood and Township of Otonabee-South Monaghan (Otonabee Ward). This 33-kilometer multi-purpose, four season recreational trail is owned by the Province of Ontario and leased by the Peterborough-Hastings Trans Canada Trail Association. A Management Plan for the Lang-Hastings Trail governs the use of the trail.

The Township shall consult with the Trail Association in relation to any new development or land use applications or road maintenance or reconstruction adjacent to the Trail and shall work cooperatively with the Management Board to promote the use of this community asset by residents and visitors to the Township.

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.

Road widenings may be obtained by the appropriate agency required along the east-west transportation corridor shown on Schedule "C" of this Plan in the course of approving land severances, plans of subdivision/condominium, development or redevelopment applications. Alternatively, increased setbacks to facilitate a future road widening may be required in the implementing Zoning By-law or amendment thereto at the time of any planning approvals. The extent of the road widening or increased setback shall be determined in consultation with the City of Peterborough as required under Section 5.1.2 of this Plan.

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 has enacted a Tourist Camp By-law consistent with the provisions of this Plan. In order to ensure that no mobile home, park model trailer, tourist trailer or tourist vehicle in a tourist camp or a park model trailer in a resort complex is occupied on a year-round basis, tourist camps or park model trailers in resort complexes shall only be occupied for a defined season as specified in the By-law.

As a condition of the By-law, the tourist camp or resort complex operator shall be required to enter into an agreement with every new (subsequent to the date of passage of the By-law) occupant of the tourist camp or resort complex. 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 park which constitutes a “residential complex” within the meaning of the *Tenant Protection Act*;
- (b) The occupant is not occupying a park model trailer or a rented site for a park model trailer or a park model trailer within a trailer camp or resort complex which constitutes a “residential complex” within the meaning of the *Tenant Protection Act*; and
- (c) The occupant will vacate the tourist camp or resort complex outside the approved period of the licence.

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

If any tourist camp or resort complex with park model trailers 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.

8.7.4 Source Water

(a) Septic Systems

The Township must pass a by-law to require that, where septic systems are a significant drinking water threat, such septic systems be connected to the municipal sewage collection system where it is feasible to do so in consideration of financial and technical constraints.

Council passed By-law No. 2015-61 to address the connection of septic systems which are a significant drinking water threat to the municipal sewage collection system. Annual report to be completed by the CAO in conformity with Section 3.2.2.8 (c).

(b) Transport Pathways

The Township may pass a by-law to prohibit the approval of a proposal that would create a new transport pathway including but not limited to wells, tile drains, storm drainage infrastructure, and geothermal heating systems which may include the drilling of boreholes that are not subject to O. Reg. 903 under the Ontario Water Resources Act. Such by-law would enable the Township to not approve a proposal where they have been made aware by means of a technical study (e.g. environmental assessment) that the proposal would increase the vulnerability of the municipal water source. The determination of whether a proposal creates a transport pathway is a technical finding and must be made by a qualified person and depends on factors that include the type of transport pathway and local geology.”

Council passed By-law No. 2015-60 to regulate transport pathways. Annual report to be completed by the CAO in conformity with Section 3.2.2.8 (d).

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, except for new multi-lot/unit development in the Shoreline designation by plan of condominium.
- (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.

Applicants for Official Plan Amendments, Zoning By-law Amendments or other planning approvals shall at the time of application agree to assume all costs incurred by the Township of associated with the processing of this application, such costs including, but not restricted to, external Professional Planning Fees, Engineering Fees and Legal Fees, which are in addition to the municipality's internal costs associated with an application fee.

Applicants shall also agree to assume all costs including, but not restricted to, Professional Planning Fees, Engineering Fees and Legal Fees, incurred by the Township associated with any Appeal to the Ontario Municipal Board, except in the case where the applicant is the appellant.

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.

With respect to Source Water Protection, the Township may acquire land located in the most vulnerable areas in consideration of the following criteria:

- the nature of any existing and potential future significant drinking water threats;
- The availability of the lands for purchase; and,
- The availability of funds and financial feasibility.

Such acquisitions must be monitored in accordance with Section 3.2.2. Annual report in Section 3.2.2.8 (a) to be completed by the CAO.

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.
- (k) In the case of lands within identified vulnerable areas, demonstration of how the proposal conforms to the policies of Section 3.2.2 where applicable.

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 the Hamlet of Keene as an area that may require the preparation of a secondary plan depending on future land use, servicing and development trends. 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.

8.18 DELEGATION OF AUTHORITY

In an effort to streamline planning decisions and in accordance with Section 39.2 of the Planning Act, the Council of a local Municipality may by by-law delegate decisions dealing with minor amendments to Zoning By-laws to a committee of Council or to an individual who is an officer, employee or agent of the Municipality.

For Clarity, By-laws that are minor in nature may include, but are not necessarily limited to:

- The removal of a holding symbol

- The authorization of a temporary Use By-Law applicable to land, buildings or structures
- Other minor Zoning By-Law Amendments as may be deemed appropriate by the Municipality.

A delegation of authority made by Council may be subject to conditions and may be withdrawn in respect of one or more By-Laws described above, as outlined in the Delegation of Authority By-Law.

**TOWNSHIP OF OTONabee-SOUTH MONAGHAN
OFFICIAL PLAN**

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